

## § 44. —Reference to Senate or to Senators

The principle of comity governs the propriety of certain references in debate to the Senate or to individual Senators.<sup>(6)</sup> The basis for applying the principle of comity is drawn from Jefferson's Manual:

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.<sup>(7)</sup>

6. The common definition of comity is kindly, courteous behavior or mutual consideration between equals. The term also refers to the legal principle whereby courts of one sovereignty defer to the laws of another. *Webster's Third New International Dictionary*, G. & C. Merriam Co. (Springfield, 1966).

7. *House Rules and Manual* §371 (1995).

Jefferson's Manual is a part of the standing rules of the House where not inconsistent with them. Rule XLII, *House Rules and Manual* §938 (1995).

In the procedure of the House of Commons, the rule has been held "not to apply to reports of committees of the other House, even though they have not been communicated to the commons, nor is the rule ex-

Although Jefferson's Manual specifically prohibits reference only as to what has been *said* on the same subject in the other House, the weight of precedent favors the position that Members are not allowed to *refer* to any debates or proceedings in the Senate, to individual Senators, or even to speeches and statements made by Senators on or off the Senate floor.<sup>(8)</sup>

The standards established by precedent were somewhat changed beginning in the 100th Congress and were in part codi-

---

tended to the votes or proceedings of either House, as they are recorded and printed by authority." Erskine May's *Parliamentary Practice*, 451, 452, Butterworth & Co. Ltd. (London, 1964) (17th ed.).

8. See §§ 44.32, 44.33, *infra*, for the prohibition against reference to a Senator's statements outside the Senate; §44.45, *infra*, for the prohibition against reference to a Senator's vote on legislation; §§ 44.24, 44.25, 44.45, *infra*, for the prohibition against quoting Senate proceedings in the *Congressional Record*; and §§ 44.12, 44.16, 44.23, *infra*, for the prohibition against reference to Senate proceedings on propositions before the House.

Although the Vice President presides over the Senate, he is not a Member thereof, and comity does not prohibit references to the Vice President in his capacity as an executive branch official (see § 47.9, *infra*).

fied by a further amendment to the rules which became effective in 1989.<sup>(9)</sup> Clause 1 of Rule XIV, now provides that debate may include references to actions taken by the Senate or by committees thereof which are a matter of public record, references to the pendency or sponsorship in the Senate of bills, resolutions, and amendments, factual descriptions relating to Senate action or inaction concerning a measure then under debate in the House, and quotations from Senate proceedings on a measure then under debate in the House and which are relevant to the making of legislative history establishing the meaning of that measure, but may not include characterizations of Senate action or inaction, other references to individual Members of the Senate, or other quotations from Senate proceedings.

In addition to the references now specifically permitted by the rule, there are other relevant precedents which help define the parameters of debate. While it has normally been considered a breach of order to quote from Senate proceedings in the *Congressional Record*, unanimous consent has been granted for the insertion in the Record of portions of remarks

made in the Senate on a particular bill.<sup>(10)</sup> Members have on occasion been permitted to refer to speeches made by Senators which appeared in newspapers, without denominating the persons quoted as Senators.<sup>(11)</sup> Where a Member is discussing a question involving conference committee procedure, he may state what occurred in the conference committee session without referring to a named Senator.<sup>(12)</sup>

With respect to such references to the Senate or Senators as are still prohibited, the rule is of such positive force in the House that it has always been considered the particular duty of the Speaker or the Chair to intervene in debate and to prohibit references to the Senate on his own responsibility.<sup>(13)</sup>

10. See § 44.24, *infra*.

It has been generally stated that the Senate may be referred to properly in debate if the principles of the rule of comity are not violated. See 5 Hinds' Precedents §§ 5098, 5099, 5107–5111, 5114–5120.

11. See § 44.25, *infra*.

12. See § 44.10, *infra*.

13. See §§ 44.7, 44.8, *infra*. Jefferson's Manual states "it is the duty of the House, and more particularly of the Speaker, to interfere immediately, and not to permit expressions to go unnoticed which may give a ground of complaint to the other House, and introduce proceedings and mutual

9. H. Res. 5, Jan. 3, 1989, p. 72; *House Rules and Manual* § 749 (1995).

The rule of comity applies in the Senate, but in the enforcement of the rule much is left to the discretion of the Senators and to the Presiding Officer of the Senate.<sup>(14)</sup> However, the extent to which the rule is enforced or not enforced in the Senate is irrelevant to its application to the House.<sup>(15)</sup>

A difficult question arises when debate or proceedings in the Senate infringe upon the privileges of the House.<sup>(16)</sup> Where a Representative alleges that statements were made in the Senate impugning the integrity of the House or of its Members, the proper procedure is the adoption of a resolution to be messaged to the Senate and requesting corrective action, such as expungement of remarks from the

---

accusations between the two Houses, which can hardly be terminated without difficulty and disorder.” *House Rules and Manual* §374 (1995).

14. See §46, *infra*.

15. See §44.3, *infra*.

16. “Neither House can exercise any authority over a Member or officer of the other, but should complain to the House of which he is, and leave the punishment to them. . . . Where the complaint is of words disrespectfully spoken by a Member of another House, it is difficult to obtain punishment. . . .” Jefferson’s Manual, *House Rules and Manual* §§373, 374 (1995).

*Congressional Record*.<sup>(17)</sup> It has been held that a resolution offered in the House requesting the Senate to expunge from the Record statements in criticism of a Member of the House was in violation of the rule prohibiting references to the Senate in debate;<sup>(18)</sup> on the other hand, a properly drafted resolution referring to language published in the Record on a designated page of Senate proceedings as constituting a breach of privilege and requesting the Senate to take appropriate action concerning the subject was considered to present a question of the privileges of the House, and, having been agreed to, was messaged to the Senate.<sup>(19)</sup>

As stated above, the new provisions of Rule XIV, clause 1,<sup>(20)</sup>

---

17. Where the House or a Member is assailed in the Senate, the question must be raised in the House without discussing Senate debate or criticizing the Senator involved. See §44.9, *infra*, and 5 Hinds’ Precedents §§5123, 5126.

For an instance where such a resolution was messaged to the Senate but no Senate action was taken, see §46.13, *infra*.

18. 8 Cannon’s Precedents §2519.

19. 8 Cannon’s Precedents §2516.

20. See *House Rules and Manual* §749 (1995): Debate may include references to actions taken by the Senate or by committees thereof which are a matter of public record, ref-

added in the 101st Congress,<sup>(1)</sup> have changed some of the ground rules on what is a permissible reference to “the other body” and its actions. Certain precedents carried in section 44 must be considered in light of this new rule and practice.

In one instance, a Member in debate referred to a Senator’s participation, at the Member’s invitation, in meetings on the House side of the Capitol with House Members; and to the Senator’s position on issues discussed.<sup>(2)</sup> Even in this instance, however, the Member should have been requested to avoid specific references to members of the other body.

A Member may not refer to confirmation proceedings in the Sen-

erences to the pendency or sponsorship in the Senate of bills, resolutions, and amendments, factual descriptions relating to Senate action or inaction concerning a measure then under debate in the House, and quotations from Senate proceedings on a measure then under debate in the House and which are relevant to the making of legislative history establishing the meaning of that measure, but may not include characterizations of Senate action or inaction, other references to individual Members of the Senate, or other quotations from Senate proceedings.

1. See H. Res. 5, 135 CONG. REC. 72, 101st Cong. 1st Sess., Jan. 3, 1989.
2. See 131 CONG. REC. 6438, 99th Cong. 1st Sess., Mar. 27, 1985 (remarks of Mr. William V. Alexander, Jr., of Arkansas).

ate by criticizing the action of a Senate committee, as by describing the committee as “continuing its downhill slide” in recommending a judicial nominee.<sup>(3)</sup>

#### Cross References

House-Senate relations generally, see Ch. 32, *infra*.

Question of privilege, see Ch. 11, *supra*.

References in Senate to House or to Representatives, see § 46, *infra*.

#### Collateral References

Reference in Senate debate to the House of Representatives and to Representatives, see Riddick/Frumin, *Senate Procedure*, pp. 745–48, S. Doc. No. 101–28 (1992).

### *Explanations of the Rule of Comity*

**§ 44.1 Historically, it has been held that a Representative could not in debate comment either directly or indirectly, even for complimentary remarks, on the action, speeches, or proceedings of a Senator or of the Senate itself.**

On May 31, 1946,<sup>(4)</sup> Mr. Andrew J. Biemiller, of Wisconsin, cited recent remarks made on the floor

3. See the proceedings at 138 CONG. REC. p. \_\_\_\_, 102d Cong. 2d Sess., July 9, 1992.

4. 92 CONG. REC. 6043, 6044, 79th Cong. 2d Sess.

of the Senate criticizing the proceedings of the House on a certain legislative measure. He inquired whether such Senate references were not a violation of the rule of comity between the two Houses.

Speaker Sam Rayburn, of Texas, delivered the following statement and analysis:

Ever since the present occupant of the chair has held that position he has sustained the point of order each and every time it has been made when there was any reflection on a Member of the other body that might disturb the comity of the two bodies, and has even taken it upon himself on various occasions voluntarily to call the attention of Members to Jefferson's Manual, upon which we base our rules and upon which the comity of the Houses has been preserved so long.

In Cannon's Precedents, volume VIII, section 2519, we find the following:

It is not in order in debate to criticize the action of Members of the Senate in connection with their legislative duties. Members may not in debate reflect upon the actions or speeches of Senators or upon the proceedings in the Senate.

This question has been raised many times in connection with actions of individual Members of the House. The rule, I believe, is rigid and the decisions have followed along that line. An inquiry was made of one Speaker as to whether it was proper to speak of a Senator or actions of the Senate if the remarks were not critical. The then Speaker held:

The rule is that a Member of the House cannot discuss a Senator at

all, not even complimenting him, because if you do compliment him somebody might jump up and say that he was the grandest rascal in the country and you would then have on your hands a debate of a very acrimonious nature.

The Chair at that time went on to say, and this is the rule that the present occupant of the chair has consistently followed and will:

The Chair is firm and he believes that the House will remain firm to our adherence to the rules of sportsmanship and comity as laid down in Jefferson's Manual.

The House of Representatives, if the Chair can control the situation, will live up to that rule of comity now and hereafter. That is the statement the Chair desires to make.

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MARTIN of Massachusetts: Mr. Speaker, the statement referred to was made in the other body, therefore is [it] not before the House at all?

THE SPEAKER: The Chair cannot rule on that and the Chair made no reference to a statement made in another body. He was very careful about that.<sup>(5)</sup>

#### **§ 44.2 The purpose of the rule prohibiting reference in debate to speeches of Senators**

5. A series of important rulings and statements on comity between the Houses was made between 1930 and 1935; See 8 Cannon's Precedents §§ 2503, 2506, 2518-2520.

**or to the proceedings of the Senate is to preserve harmony between the two Houses.**

On Jan. 16, 1946,<sup>(6)</sup> in response to a parliamentary inquiry as to whether references to the other body were proper on the floor of the House, Speaker Pro Tempore John W. McCormack, of Massachusetts, stated as follows:

The Chair will state, without the response being other than a general expression of the Chair's opinion on a matter which is not before the Chair to decide at the present time, that of course under the rules of the House and under the rules of any legislative body reference to debate in another body, generally speaking, violates the rules and tends to create lack of harmony between the branches.

Mr. Reid F. Murray, of Wisconsin, then arose to inquire whether a letter that he had written to a Member of the other body could be included in an extension of remarks in the Record. The Speaker Pro Tempore informed him that a point of order could always be raised following the insertion in the Record of material that violated a House rule. Further discussion then took place:

MR. [JOSEPH W.] MARTIN, [Jr.] of Massachusetts: Mr. Speaker, I am rais-

ing this question not because of this particular instance concerning which I have no desire to enter into any discussion, but in the interest of proper observance of the rules of the House I believe we ought to have a clear-cut decision as to whether we can mention in debate the name of a person who is a Member of the other body. I understand, of course, that the Chair has not been called upon to make a rule in this particular case because no objection was raised, but I do not think the matter should be left with the understanding that, generally speaking, it would not be in order. We ought to know whether it is in order or not in case an objection is raised. . . .

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, the gentleman from Massachusetts [Mr. Martin] is right, so far as mentioning the name of a Member of the other body as a Senator. But when a man arises here and mentions the name of a distinguished citizen of a State as a candidate for President, who happens to be a Member of the other body and does not mention that fact, I doubt if he violates the rules of the House. That rule is to create and maintain comity between the two Houses. It is to prevent the criticism of Members of the other body as such on the floor of the House. The same thing applies in the Senate. However, the gentleman from Wisconsin was a little late. A while ago when some Member here mentioned the fact that the other body was not in session and referred to it in that respect, I think he violated the rules of the House. But if you merely refer to a man, a distinguished citizen of the United States who happens to be a Member of the other body and do not

6. 92 CONG. REC. 40, 79th Cong. 2d Sess.

refer to that fact, I do not think it violates the rule.

THE SPEAKER PRO TEMPORE: The whole purpose of the rule, of course, is to maintain and preserve comity between the two legislative bodies, which is of paramount importance.

**§ 44.3 Speaker Longworth ruled that references to the Senate or its proceedings were not in order in House debate under the principles of Jefferson's Manual, notwithstanding contrary Senate practice.**

On May 16, 1930, following a point of order against reference to the proceedings of a Senate committee, Mr. Bertrand H. Snell, of New York, quoted those sections of Jefferson's Manual pertinent to the subject of comity between the two Houses. Speaker Nicholas Longworth, of Ohio, delivered a lengthy statement on the development of Senate practice and on the recent decisions in that body holding that the sections of Jefferson's Manual did not apply to the Senate and that Senators could use their own discretion in commenting or reflecting upon House speeches or House proceedings.<sup>(7)</sup>

7. Since the Senate has not adopted Jefferson's Manual, the rule of comity in debate has been less strictly enforced there than in the House. See §46, *infra*, for Senate precedents.

Speaker Longworth stated that he would nevertheless insist upon strict adherence to both the letter and the spirit of Jefferson's Manual, prohibiting reflections "in any way on the floor of the House against the actions, speeches, or proceedings of another Member [of the Senate] or of the body itself."

**§ 44.4 It is a violation of the rules of parliamentary procedure to refer by name to the remarks or actions of a Senator occurring in the Senate or elsewhere, and where a Member in debate or through an insertion in the Record transgresses this rule the Speaker calls him to order under Rule XIV clause 4.**

Where a Member had on a previous day made an unchallenged reference in debate and in a Record insertion to the actions of a named Senator outside of the Senate, the Speaker, in response to a parliamentary inquiry, indicated that those remarks were in violation of the rule of comity between the two Houses<sup>(8)</sup> and by unanimous consent the remarks were stricken from the permanent Record. The proceedings of Oct. 7, 1975,<sup>(9)</sup> were as follows:

8. See *House Rules and Manual* (Jefferson's Manual) §374 (1995).

9. 121 CONG. REC. 32055, 32056, 94th Cong. 1st Sess.

MR. [JAMES C.] CLEVELAND [of New Hampshire]: Mr. Speaker, I have asked for this time for the purpose of addressing the Chair so that I may make an inquiry, which will be in the nature of a parliamentary inquiry, of the Chair, in regard to the following matter:

On last April 17, at page H2884 of the Record, I was commenting on the manner in which the Senate was handling aspects of the New Hampshire Senate election, remarks were critical of the Senate and the Speaker at this time called me to order, and, quoting from the Speaker's remarks, the Speaker asked me to desist and stated that my remarks were in violation of the rules of the House and the rules of comity.

For this reason, Mr. Speaker, I wish to bring this to the attention of the Chair: I noticed on October 1 that at pages H9424–H9425 of the Record the gentleman from New York (Mr. Koch) addressed the House under the 1-minute rule and had been extremely critical of the junior Senator from New York (Mr. Buckley).

Mr. Speaker, I would like to inquire if the remarks of the gentleman from New York (Mr. Koch), like those of mine earlier in the year, are in violation of the rules of the House and the rules of comity.

THE SPEAKER:<sup>(10)</sup> Does the gentleman from New York (Mr. Koch) desire to be heard?

MR. [EDWARD I.] KOCH [of New York]: I do, Mr. Speaker. . . .

In Cannon's Precedents, Mr. Speaker, there is a statement that it is not

in order in debate to criticize Members of the other body, but such rule does not apply to criticisms of statements made by Members of the other body outside the Chamber.

In my remarks to which the gentleman from New Hampshire (Mr. Cleveland) refers, I did discuss the remarks of a Member of the other body, the younger brother of a noted columnist. . . .

In any event, as a result of those remarks, this noted columnist, for whom I have high regard . . . took exception to my remarks in his column.

In examining the precedents, I have come to the conclusion that I ought not to have mentioned the exact name of that Member of the other body. Therefore, with the Chair's permission, I would consent to a withdrawal of that unutterable name and have substituted in each and every case where that name was mentioned a reference to the fact that I was referring to the younger brother of a noted columnist.

THE SPEAKER: The Chair is ready to rule.

The Chair will state that not only was this matter brought to his attention today, but the Chair noted the remarks of the gentleman from New York when they appeared in the Record of October 1, 1975, and anticipated that this question might arise.

The Chair has, accordingly, checked the precedents. The precedents of the House indicate that it is not in order for a Member of this body to refer to the actions or remarks of a Member of the other body occurring either within the other body or elsewhere—Speaker Rayburn, May 5, 1941. The motives of the Member making the remarks are

10. Carl Albert (Okla.).



not relevant to a determination of whether they are or are not in order, as even complimentary remarks have been held to violate the rule of comity between the two Houses—Volume VIII, 2509.

Speaker Rayburn succinctly stated the reason for the rule in 1941, subsequent to the citation given by the gentleman from New York, observing that—

If there is a thing in the world that is important, it is that there be comity and good feeling between the two legislative bodies.

To allow references in one body to the actions of Members of the other, he continued:

In all probability would lead to a situation which might make ordered legislative procedure impossible. (May 5, 1941, Record, pp. 3566–3567).

The present and all previous occupants of this Chair have attempted to preserve the comity between the two Houses.

The Chair notes that the remarks in question were in part delivered from the floor of the House and in part inserted for printing in the Record. Had the Chair been aware of the content of the remarks when uttered or been informed of the contents of the matter to be inserted, he would have enforced the rule of comity at that time.

The rule of comity has clearly been violated and, without objection, the remarks of the gentleman from New York will be stricken from the Record.

There was no objection.

*Parliamentarian's Note:* The Rayburn ruling of May 5, 1941, to

the extent that it is inconsistent with the precedent cited by Mr. Koch (5 Hinds' Precedents §5112) overruled that prior precedent and it is no longer proper to refer to a Senator's statement made outside the Senate.

**§ 44.5 Although the Senate does not strictly incorporate Jefferson's Manual as a rule and is not bound by the prohibitions against reference to Members of the House, the Speaker strictly enforces the House rule on his own initiative and may deny an offending Member further recognition; thus, in anticipation of debate potentially critical of the Senate and its members, the Speaker announced his intention to strictly enforce section 374 of Jefferson's Manual prohibiting improper references to the Senate, including a denial of further recognition to offending Members subject to House permission to proceed in order.**

On June 16, 1982,<sup>(11)</sup> Speaker Thomas P. O'Neill, Jr., of Massachusetts, made a statement re-

11. 128 CONG. REC. 13843, 13873, 97th Cong. 2d Sess.

garding comity in debate. The proceedings were as follows:

THE SPEAKER: The Chair appreciates the fact that there is an amendment that will be offered very shortly concerning the Senate.

The Chair deems it necessary to make a statement at this time to firmly establish an understanding that improper references to the other body or its Members during debate are contrary to the rules and precedents of the House and will not be tolerated. The Chair will quote from section 374 of Jefferson's Manual which is a part of the rules of the House:

It is the duty of the House, and more particularly of the Speaker, to interfere immediately, and not to permit expressions to go unnoticed which may give a ground of complaint to the other House, and introduce proceedings and mutual accusations between the two Houses, which can hardly be terminated without difficulty and disorder.

Traditionally when a Member inadvertently transgresses this rule of the House, the Chair upon calling the Member to order prevails upon that Member to remove the offending remarks from the Record. With the advent of television, however, the Chair is not certain that such a remedy is sufficient. Henceforth, where a Member's references to the other body are contrary to the important principle of comity stated in Jefferson's Manual, the Chair may immediately deny further recognition to that Member at that point in the debate subject to permission of the House to proceed in order. The Chair requests all Members to abide by this rule in order to avoid embarrassment to themselves and to the House.

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. CONTE: Mr. Speaker, in order to abide by the rules, which are very difficult, does the Senate have the same rule? Does the other body?

THE SPEAKER: No; the Senate does not have the same rule, but it is a rule of our House and we are going to abide by it as long as I am Speaker.

MR. CONTE: Is it permissible to refer to them as "the other body"?

THE SPEAKER: That is permissible, the other body. . . .

MR. [DAVID R.] OBEY [of Wisconsin]: If the gentleman will yield on that point, I do not want to behave like the other body. I am fed up with Members of the other body posing for holy pictures on congressional pay and then running around, collecting \$60,000 in outside income.

THE SPEAKER PRO TEMPORE: The Chair is constrained to admonish the body, in accordance with the warning of the Speaker earlier, that the Members should be careful in their references to the other body.

### *—Criticism of the Idea of "Comity"*

**§ 44.6 A Member took the floor to advocate a change in that provision of House rules contained in Jefferson's Manual prohibiting references to actions of the Senate and to Senators.**

The following remarks were made in the House on Dec. 20, 1985:<sup>(12)</sup>

(Mr. Frank asked and was given permission to address the House for 1 minute.)

MR. [BARNEY] FRANK [of Massachusetts]: . . . A couple of hundred years ago there was a proposal that said the Houses ought not to comment on each other. It has become very clear that it has become difficult to transact business and impossible to transmit intelligent information while we have that constraint.

So I hope that in the session that begins in 1987 we will change that archaic rule and we will be able in the House and Senate to talk about each other and to stop this pretense that each is off on some other planet somewhere uninfluenced by and uninfluenceable by the other.

### ***Role of the Speaker***

**§ 44.7 It is the duty of the Chair to interrupt a Member in debate when the Member proposes to refer to the opinions or statements of Senators or to Senate proceedings in violation of the rules.**

On May 25, 1937,<sup>(13)</sup> when a Member proposed to read a letter from a member of the Senate in

12. 131 CONG. REC. 38731, 38732, 99th Cong. 1st Sess.

13. 81 CONG. REC. 5013, 75th Cong. 1st Sess.

Committee of the Whole, Chairman John J. O'Connor, of New York, on his own responsibility called him to order for reading a letter from a member of the other body.

Similarly, on Apr. 18, 1939,<sup>(14)</sup> when a Member referred to the action of the Senate on a particular appropriation bill then before the House, Speaker William B. Bankhead, of Alabama, stated as follows:

The Chair desires to call the attention of the gentleman from Pennsylvania to the fact that under the rules of the House he is not permitted to refer to any action taken in the Senate of the United States.<sup>(15)</sup>

### ***Announcements as to Enforcement of Rule of Comity***

**§ 44.8 The Speaker has on occasion addressed the House in relation to violations of the rule prohibiting references to the Senate in debate, and has stated his intention to prevent violations thereof.**

14. 84 CONG. REC. 4404, 76th Cong. 1st Sess.

15. "[I]t is the duty of the House, and more particularly of the Speaker, to interfere immediately, and not to permit expressions to go unnoticed which may give a ground of complaint to the other House. . . ." Jefferson's Manual, *House Rules and Manual* § 374 (1995).

On May 5, 1941,<sup>(16)</sup> following a ruling by Speaker Sam Rayburn, of Texas, on a violation of the House rules, whereby a Member inserted in his extension of remarks in the *Congressional Record* critical references to the speeches of a Senator made off the floor of the House, the Speaker addressed the House on the unprecedented frequency with which the particular rule was being violated in the 77th Congress. The Speaker stated that thereafter he would on his own initiative call the attention of Members to violations of the provision.

Again, on Jan. 17, 1955,<sup>(17)</sup> Speaker Sam Rayburn, of Texas, made the following announcement:

The Chair desires to make this statement at the beginning of this session with reference to something that has been maintained by every Speaker of the House since the present occupant of the Chair has been a Member of this body, and that is that the House of Representatives, regardless of what any other body or any other individual does, has maintained strictly those rules and regulations which protect and perpetuate the comity between the two Houses. And when any Member of this House rises to make remarks about what has happened in another

body or about any individual in that body, the present occupant of the Chair will certainly see that the rules of the House and the rules of comity between the two Houses are enforced.

On Mar. 26, 1964,<sup>(18)</sup> after ruling on a point of order based on House references to the Senate, Speaker John W. McCormack, of Massachusetts, made the following announcement:

The Chair is going to be very strict in the future with relation to references to speeches made in the other body or to references to Members of the other body. The Chair feels at this time it might be well to read the rule of the House covering this subject:

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.<sup>(19)</sup>

### ***Comment on Senate Proceedings Critical of House***

#### **§ 44.9 A Member may not in debate comment on Senate proceedings impugning the integrity of the House, the**

16. 87 CONG. REC. 3566, 3567, 77th Cong. 1st Sess.

17. 101 CONG. REC. 386, 84th Cong. 1st Sess.

18. 110 CONG. REC. 6365, 88th Cong. 2d Sess.

19. The Speaker cited the provisions of parliamentary law contained in Jefferson's Manual, *House Rules and Manual* §371 (1995).

**proper procedure being the introduction of a resolution requesting corrective action by the Senate.**

On May 11, 1932,<sup>(20)</sup> Mr. Fred A. Britten, of Illinois, stated his intention in the Committee of the Whole (which was considering H.J. Res. 149) to read from the *Congressional Record* proceedings in the Senate which impugned the honesty of purpose of every Member of the House. Mr. Thomas L. Blanton, of Texas, arose to make the point of order that "in order to preserve the friendliness and the amity and the comity that exists and should exist between the two Houses of Congress, it has always been the rule that no criticism or censure could be made from this floor concerning any Member of the body in the other end of the Capitol."

Chairman Gordon Browning, of Tennessee, ruled that Mr. Britten could neither quote from the *Congressional Record* nor quote from newspaper reports of Senate speeches or proceedings. The Chairman referred to the precedent of May 6, 1930, wherein Speaker Nicholas Longworth, of Ohio, had held that a Member could not reflect in any way in debate on the floor of the House on

20. 75 CONG. REC. 10019, 72d Cong. 1st Sess.

the actions, speeches, or proceedings of a Senator, or of the Senate itself.<sup>(1)</sup>

Mr. Britten appealed the Chairman's decision, but withdrew his appeal after William B. Bankhead, of Alabama, then Speaker of the House, was granted five minutes' time. Mr. Bankhead supported the Chairman's ruling and alluded to the "very elaborate and very learned, and in my opinion very correct" ruling of Speaker Longworth. Mr. Bankhead added that when the Committee of the Whole rose Mr. Britten could raise his question of privilege by introducing a resolution to be sent to the Senate asking that any language impugning the House or its Members be corrected.

***Comment on Conference Proceedings***

**§ 44.10 It is in order in debate while discussing a question involving conference committee procedures to state what occurred in a conference committee session, without referring to a named Senator.**

On July 29, 1935,<sup>(2)</sup> Mr. John G. Cooper, of Ohio, was discussing

1. For the exhaustive opinion of Speaker Longworth on May 6, 1930, see 8 Cannon's Precedents §2518.
2. 79 CONG. REC. 12011, 74th Cong. 1st Sess.

the procedure followed at a conference committee and stated:

Mr. Speaker, I apologize, but I will say that the Senator, who is chairman of the conference committee, stated to us that if Mr. Cohen could not sit in at the conference there would be no conference.

He further said:

I doubt if I know enough about the bill to give it an intelligent discussion unless Mr. Cohen sits in here with me.

Mr. John E. Rankin, of Mississippi, made a point of order against Mr. Cooper's remarks on the ground that he had "no right to criticize Members of the Senate on the floor of the House, whether he calls them by name or not. This tirade against the Senate is in violation of the rules of the House."

Speaker Joseph W. Byrns, of Tennessee, ruled as follows:

The rule provides that Members shall not criticize a Member of the other body in a discussion on the floor. As the Chair understands the gentleman, he is not referring to a Senator by name, but stating what occurred in the conference committee.

***Comment on Senate Proceedings on Measure Pending in House***

**§ 44.11 Under the old rule, it was not in order in debate to quote Senate proceedings on**

**a bill or resolution then before the House.**

On Aug. 24, 1935,<sup>(3)</sup> while the House was considering Senate Joint Resolution 175, amending the Independent Offices Appropriation Act of 1934, Mr. Schuyler Otis Bland, of Virginia, quoted from Senate debate on the joint resolution:

. . . Then Senator Black says about his resolution:

I am not trying to throw this matter into a state of chaos.

Mr. Edward C. Moran, Jr., of Maine, made the point of order that Mr. Bland was quoting from Senate proceedings and Mr. Bland responded:

For heaven's sake, has the Senate gotten to the place where its Senators cannot be quoted, and Senator Black, the great apostle of these gentlemen, cannot have his views presented for your consideration?

Speaker Joseph W. Byrns, of Tennessee, ruled as follows:

The Chair reads from Jefferson's Manual, as follows:

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the

3. 79 CONG. REC. 14599, 74th Cong. 1st Sess.

quoting them might beget reflections leading to a misunderstanding between the two Houses.

MR. BLAND: I beg the Chair's pardon.

THE SPEAKER: The Chair is of the opinion that the point of order is well taken. The gentleman from Virginia will proceed in order.<sup>(4)</sup>

**§ 44.12 Although it is a breach of order in House debate to quote from Senate debate, Members may by unanimous consent insert in the Record Senate remarks on bills pending before the House.**

On May 23, 1968,<sup>(5)</sup> during consideration of H.R. 8578, amending the Land and Water Conservation Act of 1965, Mr. Hale Boggs, of Louisiana, asked unanimous consent that the Senate debate on a certain amendment to the bill be printed in the Record. No objection was heard, and a lengthy excerpt from Senate proceedings of April 23, 1968, was inserted.<sup>(6)</sup>

4. For the provisions cited by the Speaker, see Jefferson's Manual, *House Rules and Manual* §371 (1995). See Rule XIV clause 1, *House Rules and Manual* §749 (1995), for current rule on Senate references.
5. 114 CONG. REC. 14640–51, 90th Cong. 2d Sess.
6. Senate practice is similar, unanimous consent being required to refer to House proceedings on a proposition then before the Senate (see §46.6, *infra*).

**§ 44.13 As provided in Jefferson's Manual,<sup>(7)</sup> it is a breach of order in debate to notice what has been said on the same subject in the Senate, or to refer to particular Senators.**

On Oct. 21, 1981,<sup>(8)</sup> during consideration of the Food and Agriculture Act of 1981 (H.R. 3603) in the Committee of the Whole, the following proceedings occurred:

MR. [ROBERT N.] SHAMANSKY [of Ohio]: I thank the gentleman for yielding.

Mr. Chairman, I would like to quote from Senator Hatfield, from the Congressional Record of September 17, 1981—

THE CHAIRMAN:<sup>(9)</sup> The Chair will advise the gentleman from Ohio (Mr. Shamansky) that it is not in order to quote from the proceedings of the other body. . . .

MR. [JOEL] PRITCHARD [of Washington]: That is an excellent question and I intend to address that very question with the rest of my remarks.

7. See *House Rules and Manual* §§371, 372 (1995). Following changes made in Rule XIV clause 1 beginning in 1987, the quote from Senate proceedings would be considered permissible, as helping to illuminate the legislative history of the bill under consideration in the House. See *House Rules and Manual* §749 (1995).
8. 127 CONG. REC. 24748, 24753, 97th Cong. 1st Sess.
9. Matthew F. McHugh (N.Y.).

First of all, let us remember where this bill is going to go. It is going to go to conference committee. And the gentleman from North Carolina in the other body is the chairman of the Senate delegation.

THE CHAIRMAN: The Chair will advise the gentleman that reference to a particular Member of the other body is not in order.

**§ 44.14 Under clause 1 of Rule XIV, the range of permissible references in debate to the Senate does not extend to characterizations of Senate actions or to votes of individual Senators; thus, the Chair sustained a point of order against remarks in debate to the effect that certain Senators had, by their votes in that body, given an imprimatur of reasonableness to a particular position.**

On Nov. 2, 1989,<sup>(10)</sup> during consideration of House Concurrent Resolution 221 (supporting Central American peace and democracy) in the House, the following proceedings occurred:

MR. [HENRY J.] HYDE [of Illinois]: Mr. Speaker, the distinguished chairman of the Foreign Affairs Committee feels that there has been an agreement. . . .

We have a consensus document and the chairman with great diplomacy,

wants to get a document that everybody can support. I do not object to our resolution. It is an adequate resolution, but it lacks substance. It is more cotton candy than T-bone steak.

The Senate, on the other hand, the other body, passed a real resolution that is awfully tough. I would like the opportunity to vote for the Senate language rather than our rather pastel, pallid, accurate-as-far-as-it-goes but mild resolution.

Now first of all I would be interested to see how the gentleman on the other side could not vote for something because it is too abrasive when it is supported by both of the distinguished Senators from California, both of the distinguished Senators from Ohio, both of the distinguished Senators from Connecticut, the majority leader, the chairman of the Foreign Relations Committee in the other body. It would seem to me that would qualify it, having their imprimatur, to get the support from everybody in this Chamber.

MR. [TED] WEISS [of New York]: Mr. Speaker, I have a point of order. . . .

Mr. Speaker, is it in order discussing what went on in the Senate and what the motivations were of the people in the Senate? . . .

THE SPEAKER PRO TEMPORE:<sup>(11)</sup> The gentleman may report the general collective action taken by the other body, but may not characterize the votes of individual Senators as good or bad.

***—Senators as Sponsors of Legislation***

**§ 44.15 Under clause 1 of Rule XIV, debate ordinarily may**

10. 135 CONG. REC. 26918, 26919, 101st Cong. 1st Sess.

11. Jim McDermott (Wash.).



**include references to individual Senators only to identify them as sponsors of legislation; the range of permissible references to the Senate does not extend to the opinions or policy positions of individual Senators.**

The following proceedings occurred in the House on July 12, 1990:<sup>(12)</sup>

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, it is outrageous for the Senate Democratic leader to publicly demand higher taxes and a massive 25-percent increase in the income tax top rate. The Senate Democratic leader is threatening to destroy the budget summit.

Mr. Speaker, Senator Mitchell does not attend summit meetings. He publicly demands tax increases. Senator Mitchell does not offer serious budget reforms. He publicly demands tax increases. Senator Mitchell does not offer spending cuts.

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Speaker, I ask that the words of the gentleman from Georgia [Mr. Gingrich] be taken down.

THE SPEAKER:<sup>(13)</sup> The Chair will merely caution the gentleman from Georgia that such references to Members of the other body are not in order. . . .

MR. GINGRICH: I would inquire of the Speaker, if it is in reference to a public newspaper account of public activity by

a political leader, and I believe in this House we have a remarkably wide range of free speech, and this is not a reference to any action by the Senator of Maine in the Senate.

THE SPEAKER: Under clause 1, rule XIV, it is an improper reference to a Member of the other body. . . .

MR. GINGRICH: . . . Would the Speaker, and I am not trying to play games with the Speaker, would the Speaker simply instruct the gentleman what precisely are the ground rules for discussing publicly the activities of the Democratic leader of the other body when they appear in public and not in the other body? . . .

THE SPEAKER: The Chair will remind the gentleman of clause 1 of rule XIV which states that when any member desires to speak or deliver any matter to the House:

He shall rise and respectfully address himself, Mr. Speaker, and on being recognized may address the House from any place on the floor or from the Clerk's desk, and he shall confine himself to the question under debate, avoiding personality. Debate may include references to actions taken by the Senate or by committees thereof, which are a matter of public record, references to the pendency or sponsorship of Senate bills, resolutions or amendment, factual description relating to Senate action or inaction concerning those then under debate in the House and questions from Senate proceedings on a measure then under debate in the House and which are relevant to the making of legislative history establishing the meaning of that measure, but may not include characteristics of Senate action or inaction, other references to individual Members of the Senate or other quotations from Senate proceedings.

12. 136 CONG. REC. p. \_\_\_\_, 101st Cong. 2d Sess.

13. Thomas S. Foley (Wash.).

*Parliamentarian's Note:* As indicated above, in the House, the Chair takes the initiative in calling to order a Member for making unparliamentary references to the Senate or its members.<sup>(14)</sup>

***Critical or Derogatory References to Senators***

**§ 44.16 The Speaker held out of order a statement on a pending bill “[i]f Senators in a moment of aberration approve such language, I do not approve. . . .”**

On Jan. 29, 1946,<sup>(15)</sup> the Committee of the Whole was considering H.R. 4437, to return public employment offices to state operation. Mr. Everett M. Dirksen, of Illinois, offered an amendment, which was opposed by Mr. Emanuel Celler, of New York. Mr. Dirksen informed him that the language of the amendment had been approved by two Senators, whom he named, and Mr. Celler responded “[i]f Senators in a moment of aberration approve such language, I do not approve. . . .”

The words were taken down in the House on the demand of Mr.

14. For further discussion of procedures relating to calls to order, or control by the Chair of disorderly proceedings, see § 48, *infra*.

15. 92 CONG. REC. 533, 534, 79th Cong. 2d Sess.

John E. Rankin, of Mississippi, and stricken from the Record, after Speaker Sam Rayburn, of Texas, ruled the language “unparliamentary in referring to the action of the membership in another body.”

**§ 44.17 It is a violation of the rule of comity to criticize in debate the actions of a Senator with regard to legislation, and it is the duty of the Chair to call to order a Member who violates the rule.**

During consideration of the Alaska National Interest Lands Conservation Act of 1979 (H.R. 39) in the Committee of the Whole on May 15, 1979,<sup>(16)</sup> the following proceedings occurred:

MR. [MORRIS K.] UDALL [of Arizona]: I just want to put it in the record. I do not think it has much to do with what we are doing today, but on May 8 the gentleman from Ohio (Mr. Seiberling), on page H2851, tells this whole story chapter and verse. I want to endorse what he said. It is a different ball game. It is akin to being in a poker game 10 minutes to midnight and I have a pair of deuces, and my opponent says, “I will split the pot with you.” Time is about to run out.

Under this December 18 deadline we made a deal, the best deal we could make. Then, some guy named Gravel comes on and the chips are all over the

16. 125 CONG. REC. 11133, 96th Cong. 1st Sess.

floor. Then, we decide to play until 3 o'clock and we redeal the cards and we find that we do not have that situation in our hand and nobody asks to split the pot. We want a strong bill. That was a pretty lousy compromise. I made it and I would have fought for it on the floor, but it was upset by the Senator from Alaska and it has no status here today.

THE CHAIRMAN:<sup>(17)</sup> The Chair would simply point out that references to actions taken in the other body are contrary to the rules of the House.<sup>(18)</sup>

**§ 44.18 It is a breach of order under clause 1 of Rule XIV to characterize Senate action or inaction, such as mocking the resolve, courage or conviction of the Senate or referring to that body as “jello”.**

Speaker Thomas S. Foley, of Washington, made an announcement regarding comity between the House and Senate following certain remarks made in debate in the House on Aug. 4, 1989.<sup>(19)</sup> The proceedings were as follows:

MR. [BARNEY] FRANK [of Massachusetts]: Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

17. Paul Simon (Ill.).

18. See Jefferson's Manual, section 371. Mr. Udall subsequently revised his remarks to delete the references to Senator Gravel.

19. 135 CONG. REC. 19314, 19315, 101st Cong. 1st Sess.

THE SPEAKER: Without objection, the gentleman from Massachusetts (Mr. Frank) is recognized for 1 minute. . . .

MR. FRANK: I thank the gentleman for yielding.

Mr. Speaker, having consulted with the very distinguished and objective parliamentarians and with the Speaker, on reflection it did seem to me that my comparison of the U.S. Senate to Jell-O was not totally in keeping with the traditions of this institution and I thought it would be appropriate for me to indicate that fact to the House.

MR. [DENNIS E.] ECKART [of Ohio]: Continuing my reservation of objection on this matter, Mr. Speaker, perhaps the gentleman should offer his apology to General Foods.

Mr. Speaker, I withdraw my reservation of objection.

THE SPEAKER: Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE SPEAKER: The gentleman from Massachusetts (Mr. Frank) is recognized for 1 minute.

MR. FRANK: Mr. Speaker, as I said in foolish answer to the gentleman from Ohio, while I was not enthralled with the performance of our constitutional equal, the U.S. Senate, my comparison to them as Jell-O did not seem to me, on sober second thought, to be entirely appropriate, and I therefore apologize.

**ANNOUNCEMENT BY THE  
SPEAKER**

THE SPEAKER: The Chair will take this occasion to state that the Chair appreciates the good humor of debate, but the Chair also believes that all Members should observe the rules of

comity with respect to the other body. I am glad the gentleman from Massachusetts has made his statement.

**§ 44.19 It is a violation of the rule of comity as expressed in section 374 of Jefferson's Manual, to read into the Record critical references to members of the Senate, even if the criticism was stated in a letter written by a non-Member.**

During consideration of the Civil Rights Commission Act of 1983 (H.R. 2230) in the Committee of the Whole on Aug. 4, 1983,<sup>(20)</sup> the Chair admonished the Committee that references to either the other body or members thereof were not in order:

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: . . . I have in my possession a letter dated July 15 from Albert Shanker, president of the American Federation of Teachers, AFL-CIO, to Senator Biden which states in part:

Rarely have I been as outraged at the behavior of a fellow Democrat as I was watching you on the evening news Wednesday. Your performance at the Senate Judiciary Committee hearings on the Civil Rights commission nominees may as well have been bought, paid for and delivered by the Republican National Committee. Do you really believe, Senator Biden, that Democrats or fair minded people anywhere are going to think you a fit representative for

telling the nation that you've made up your mind how you're going to vote on a nomination before you've heard one word of testimony from the nominees? . . .

Your anti-quota and anti-busing rhetoric at the hearing will not mask your action on these nominations. I can imagine no finer candidates for the Civil Rights Commission than Morris Abram, John Bunzel and Robert Destro . . .

Senator Biden, you have before your committee four excellent nominees with impeccable civil rights credentials. You will irreparably harm yourself and other Democrats next year if you insist on obstructing action on these nominees. You give Ronald Reagan an excellent issue on which to run next year if you and your colleagues insist on protecting the pro-quotas, pro-busing interests and attacking staunch civil rights veterans like Abram, Bunzel, Destro and Chavez. . . .

THE CHAIRMAN:<sup>(1)</sup> Before recognizing another Member to speak, the Chair would like to make a statement.

Regardless of the effect that pending legislation may have on proceedings in the other body, reference to actions or proceedings in that body or remarks critical of Members of that body are not in order under the rules and precedents of the House.

**§ 44.20 It is a breach of order in debate to refer to the motives of the Senate or Senators in passing certain legislation; nor is it in order to read from the *Congressional Record* as to specific actions taken in the Senate on legislative issues.**

20. 129 CONG. REC. 23135, 23136, 23145, 98th Cong. 1st Sess.

1. Morris K. Udall (Ariz.).

On Oct. 17, 1985,<sup>(2)</sup> the Chair took the initiative to admonish a Member against references to the Senate or Senators. The proceedings were as follows:

MR. [MIKE] LOWRY of Washington: Mr. Speaker, with all due respect to my well-meaning friends, what the Gramm/Rudman movement over in the other body really did was simply provide a way by which at least 30-some Senators can get past the next election without having to face the tough proposition of how you really cut the budget. That was proven.

THE SPEAKER PRO TEMPORE:<sup>(3)</sup> The Chair would advise the gentleman that it is against the rules of the House to refer to the motives of the other body or its Members.

MR. LOWRY of Washington: Mr. Speaker, I would not even consider inferring the motives of the other body.

Mr. Speaker, what I would like to do is read the record of the other body of the day after the Gramm-Rudman passed and they voted specifically on the items not to cut the budget.

On the Bradley amendment to cut the defense budget—

THE SPEAKER PRO TEMPORE: The Chair will advise the gentleman that he must not refer to actions of the other body in that way.

**§ 44.21 The Chair admonished a Member during debate not to refer to a Senator in a critical manner although not identified by name.**

2. 131 CONG. REC. 27772, 99th Cong. 1st Sess.
3. Howard E. Wolpe (Mich.).

On Dec. 18, 1985,<sup>(4)</sup> the following proceedings occurred in the House:

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: . . . Mr. Speaker, as the gentleman from Pennsylvania is a member of our Committee on Banking, Finance and Urban Affairs, I would like to state that it has come to my attention that the other body has placed in the continuing resolution some special legislation for special people. There is a Member of the other body who, in 1983, fought tooth and nail to prevent a housing bill from being adopted in the Congress.

Again this year, Members will recall we put our housing bill into reconciliation. Once again, the same individual Member of the other body is saying, "No, no, no." He is using parliamentary chicanery to deny the people of this Nation safe, decent, sanitary housing.

THE SPEAKER PRO TEMPORE:<sup>(5)</sup> The gentleman should not refer to the other body and he is skirting very closely on offensive language.

**§ 44.22 It is not in order under clause 1 of Rule XIV to cast reflections on remarks made by a Senator, occurring in the Senate or elsewhere, even if the Senator is not identified by name.**

On Feb. 23, 1994,<sup>(6)</sup> a Member in debate criticized remarks made

4. 131 CONG. REC. 37813, 37814, 99th Cong. 1st Sess.
5. Dale E. Kildee (Mich.).
6. 140 CONG. REC. p. \_\_\_\_, 103d Cong. 2d Sess. Under consideration was H.

by a Senator, by referring to the Senator as "a person who resides in the State of South Carolina."

MR. [KWEISI] MFUME [of Maryland]: Mr. Speaker, I rise today to offer a friendly amendment to the amendment in hopes of bringing balance and substance to this debate and to this issue of repudiation that go directly to the heart of remarks made by a gentleman of the other body. . . .

MR. [CHARLES B.] RANGEL [of New York]: I am trying to find out from the author of this amendment how could it be related to this amendment and whether it is inviting, whether it has been distributed, what it is that you bring before this House at this time. . . .

MR. MFUME: The amendment that I had hoped to offer was an amendment that would have brought balance to this debate in which all of us have a sense of outrage and revulsion at remarks that were made at Kean College, but many of us also have a sense of outrage and revulsion at remarks made by a Member of the other body recently in which black people were referred to as darkies, Hispanics were referred to as wetbacks, and Africans were referred to as cannibals. . . .

THE SPEAKER PRO TEMPORE:<sup>(7)</sup> The Chair would like to remind the gentleman in the well that he cannot refer to Members of the other body and statements made by that Member of the other body.

MR. MFUME: Mr. Speaker, I have a question of the Chair. Is the Chair tell-

ing me that I cannot say or make mention of a Member of the other body as long as I do not use that person's name?

THE SPEAKER PRO TEMPORE: The gentleman, under the rules, cannot refer to statements made by the Members of the other body.

MR. MFUME: If I could ask further, may I have permission to refer to statements made from someone from South Carolina?

THE SPEAKER PRO TEMPORE: If that is a Member from the other body, the gentleman cannot do that.

MR. MFUME: With all due respect, there are many people from South Carolina. I am not necessarily mentioning a Member of the other body but a resident of the State of South Carolina.

THE SPEAKER PRO TEMPORE: The gentleman would proceed in order at the Chair's request.

Similarly, on June 30, 1995,<sup>(8)</sup> the Chair addressed the issue of references to Senators (as well as to the President), in response to remarks made by Mr. Robert K. Dornan, of California:

MR. DORNAN: I am going to get justice here. I am going to get justice for all the Vietnamese who were tortured to death in those so-called reeducation concentration camps. . . .

I will tell you this: This ex-member here, now a Senator, is from a Bible Belt State. . . .

I will tell you, if you are from Iowa, you know most of this material. I can-

Res. 343, expressing the Sense of Congress on the Senior Representative of the Nation of Islam.

7. Robert G. Torricelli (N.J.).

8. 141 CONG. REC. p. \_\_\_\_, 104th Cong. 1st Sess.

not believe what you have sent to represent your country. I hope you enjoy your Fourth of July in Iowa and New Hampshire, because you are going to have U.S. Senators and, God forbid, the three House Members from the minority, one of them a distinguished Army captain from the D-Day period. I hope they are not toasting the terrorists and the Communist victors who brought such human rights abuse and grief to all of Southeast Asia. . . .

I am going to go over with the parliamentarians how I can recoup my honor from January 25 of this year, when I used the expression "aid and comfort to the enemy." I know it is in the Constitution. I know there is a technicality when war is not declared. But I am going to discuss every dictionary definition, British and American, of aid, of comfort and of what constitutes an enemy. . . .

When I tell you that Clinton gave aid and comfort to the enemy in Hanoi by his Moscow trip and his demonstrations in London, where they were called the fall offensive, so named by the same Communists in Hanoi that will be toasting Americans today—

THE SPEAKER PRO TEMPORE: <sup>(9)</sup> The Chair would caution the Member to be very cautious of any statements about the President of the United States. . . .

The Chair would like to also point out for the Record something that the Representative does know, just to remind him, that personal references to members of the other body, even though not mentioned by name, when it is very clear to whom the references are made, should be avoided, and this

is something that had been mentioned on February 23, 1994, by the Chair.

### ***Reading Senate Proceedings From the Record***

#### **§ 44.23 It is not in order in debate to read from the Record statements made in the Senate or Senate proceedings which are not related to a pending measure in the House.**

On Aug. 24, 1935,<sup>(10)</sup> the following exchange and ruling by Speaker Joseph W. Byrns, of Tennessee, took place:

MR. [SCHUYLER OTIS] BLAND [of Virginia]: . . . Then Senator Black says about his resolution:

I am not trying to throw this matter into a state of chaos.<sup>(11)</sup>

MR. [EDWARD C.] MORAN [Jr., of Maine]: Mr. Speaker, I make the point of order that the present speaker is quoting from the Senate proceedings.

MR. BLAND: For heaven's sake, has the Senate gotten to the place where its Senators cannot be quoted, and Senator Black, the great apostle of these gentlemen, cannot have his views presented for your consideration?

MR. MORAN: Mr. Speaker, I ask for a ruling on the point of order.

10. 79 CONG. REC. 14599, 74th Cong. 1st Sess.

11. The resolution under discussion was S.J. Res. 175, amending the Independent Offices Appropriation Act of 1934.

9. Constance A. Morella (Md.).

MR. [JOHN J.] O'CONNOR [of New York]: Mr. Speaker, I understand the gentleman is reading from the Congressional Record.

MR. BLAND: Yes.

MR. O'CONNOR: And is not referring to a Senator in any disparaging manner.

MR. BLAND: Not in the slightest—I am commending him.

MR. MORAN: If the Speaker will refer to the discussion of the Bland bill upon the floor of the House, he will find that the same point of order was made against me—that is how I recall it—and the point of order was sustained.

THE SPEAKER: The Chair reads from Jefferson's Manual, as follows:

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

MR. BLAND: I beg the Chair's pardon.

THE SPEAKER: The Chair is of the opinion that the point of order is well taken. The gentleman from Virginia will proceed in order.

**§ 44.24 Although in certain circumstances it is a breach of order to refer to Senate debate, on one occasion a Member by unanimous consent secured permission to include in the Record portions of remarks made in the Senate.**

On May 23, 1968,<sup>(12)</sup> during consideration of H.R. 8578, amending the Land and Water Conservation Act of 1965, Mr. Hale Boggs, of Louisiana, asked unanimous consent that the Senate debate on a certain amendment be printed in the Record. No objection was heard, and a lengthy excerpt from Senate proceedings of Apr. 23, 1968, was inserted.<sup>(13)</sup>

**§ 44.25 On one occasion, the Speaker declined to rule on a point of order directed against a critical reference to the views of a Senator, expressed in a speech on the Senate floor, and, after noting the applicable rule, permitted the Member to proceed in order.**

On Mar. 26, 1964,<sup>(14)</sup> while making a one-minute speech in the House, Mr. Louis C. Wyman, of New Hampshire, expressed his disagreement with remarks of the Chairman of the Senate Committee on Foreign Relations made

12. 114 CONG. REC. 14640–51, 90th Cong. 2d Sess.

13. Insertions in the Record, see Ch. 5, *supra*. Under the more liberal practice beginning in the 100th Congress, such references, if related to a measure then pending in the House, would be permitted.

14. 110 CONG. REC. 6361, 6362, 88th Cong. 2d Sess.



on the Senate floor on the preceding day. A point of order was made against reference to a member of the other body and the following exchange took place:

MR. WYMAN: Mr. Speaker, I want to express myself as being in wholehearted disagreement with the amazing, incredible, and dismaying remarks regarding American foreign policy of the chairman of the Senate Foreign Relations Committee made on the Senate floor yesterday wherein he has indicated in regard to Cuba that Castro is here to stay; that we will not fight to oust him because it is not worth it, and has implied that such a policy is called "daring thinking" for America, a policy I might say that invites surrender on the installment plan of the rest of the free world to communism bit by bit and piece by piece.

May the Lord help us should this sort of policy be in effect—

MR. [KEN] HECHLER [of West Virginia]: Mr. Speaker, a point of order.

THE SPEAKER: <sup>(15)</sup> The gentleman will state it.

MR. HECHLER: Mr. Speaker, the gentleman's remarks are directed to a Member of the other body, which is a violation of the rules of the House.

THE SPEAKER: The Chair will say that under the rules no Member may refer to a Member of the other body, or to a speech another Member has made in that body.

The gentleman from New Hampshire will proceed in order.

MR. WYMAN: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. WYMAN: Mr. Speaker, I had no intention to violate the rules of the House. The speech is a matter of record. It was made by the chairman of the Foreign Relations Committee of the Senate, and I do not know how I could refer to it otherwise. The speech is in the Record, and it is before us at our seats.

May I inquire as to how I may now properly refer to the speech and disassociate myself from its views without referring to its author?

THE SPEAKER: The Chair has stated what the rules of the House are. The Chair did not use the word "violate." The Chair did not go that far. The Chair simply says reference to a Member of the other body is not proper, and is not consistent with the rules of the House. The gentleman was recognized to proceed in order.

MR. WYMAN: Mr. Speaker, I will, of course, accord with the rule and I will therefore refer only to prominently publicized remarks appearing on the front pages of the Nation's newspapers of last night and this morning.

### *Indirect Reference to the Senate*

**§ 44.26 It has been held that the restriction against certain references to "the Senate" applies equally to comments critical of "the other body" or members thereof.**

On Feb. 17, 1936,<sup>(16)</sup> Mr. Harold Knutson, of Minnesota, on the

15. John W. McCormack (Mass.).

16. 80 CONG. REC. 2218, 74th Cong. 2d Sess.

floor delivered the following remarks:

. . . A very remarkable address was delivered in another body a week ago today that I feel should not go unanswered. In that address the speaker virtually served notice on Japan that if the Japanese do not live up to the obligations which she has assumed in certain treaties this country would go to considerable lengths to compel her to do so. In view of the fact that the speaker to whom I have reference occupies a position unusually close to the administration, I am wondering whether he spoke by the card.

In response to a point of order, Mr. Knutson stated that he did not mention the Senate but simply some remarks that had been made in another body. Speaker Pro Tempore John J. McSwain, of South Carolina, ruled as follows:

The Chair sustains the point of order. The implication is plain that the reference is to the Senate of the United States. The point of order is sustained. The gentleman will please proceed in order.

On May 19, 1948,<sup>(17)</sup> Mr. Herman P. Eberharter, of Pennsylvania, referred to inaction of "the other body" on H.R. 5852, the subversive activities control bill of 1948. A point of order was made against the reference to the Senate, and Chairman James W.

Wadsworth, Jr., of New York, ruled that the point of order was well taken and that Mr. Eberharter must proceed in order. Mr. Eberharter stated as follows:

Mr. Chairman, it is my understanding under the rules of the House that a Member of the House is not permitted to refer to the Senate of the United States and is not permitted to refer to any Senator by name. However, it is my understanding, and I think it has been so ruled on many occasions, that it is perfectly within the rules of the House to refer to the other branch of the Congress as "the other Body." I did not mention the word "Senate," Mr. Chairman, nor did I mention the name of any Senator. I submit that the point of order is not well taken, and I hope the Chairman will so rule.

The Chairman then called the attention of Mr. Eberharter to the provision on the subject in Jefferson's Manual and directed Mr. Eberharter to proceed in order.

**§ 44.27 A Senator may not be referred to, even indirectly, in debate on the floor of the House.**

On Mar. 24, 1961,<sup>(18)</sup> a point of order was made against remarks in debate by Mr. Neal Smith, of Iowa, who referred indirectly to the Goldwater Department Store in Arizona, in an apparent ref-

17. 94 CONG. REC. 6112, 80th Cong. 2d Sess.

18. 107 CONG. REC. 4780, 87th Cong. 1st Sess.

erence to Senator Barry M. Goldwater, of Arizona. Mr. Smith stated that “some people call it the Goldwater-Ayres Bill because it is an example of exempting multi-million dollar stores in Arizona.” The Committee of the Whole rose and the objectionable words were reported to the House where they were ordered stricken from the record, after Speaker Sam Rayburn, of Texas, ruled that a reference to a member of the other body by name is a violation of the rules of the House. Mr. John H. Dent, of Pennsylvania, then raised a parliamentary inquiry:

If a trade name or the name of a product bears the same name as a Member of the Senate, are we forbidden from mentioning that particular product or chain or store, or whatever the item may be?

THE CHAIRMAN:<sup>(19)</sup> The Chair will pass on that question when it arises. The Chair may say that the gentleman's inquiry is not a parliamentary inquiry.

**§ 44.28 A Member may not in debate refer to a Senator indirectly by the use of the term “senior Senator” from a particular state.**

On May 2, 1941,<sup>(20)</sup> after Speaker Pro Tempore Fajardo Cravens, of

Arkansas, ruled out of order a reference to a Senator, he stated in response to a parliamentary inquiry that such reference would not be corrected by referring to the Senator as the senior Senator from a state. He stated that a Member could not do indirectly what he could not do directly.

***Complimentary References to Named Senator***

**§ 44.29 It is not in order in debate in the House to refer to a Senator by name, even in a complimentary way.**

On Mar. 24, 1961,<sup>(1)</sup> Mr. James Roosevelt, of California, inquired of Chairman Eugene J. Keogh, of New York:

Mr. Chairman, do I correctly understand that the rules of the House do not prevent a Member from mentioning a Senator's name as long as he does not mention it in a derogatory manner?

Chairman Keogh ruled:

It is the understanding of the Chair that under the rules of the House, the name of a Member of the other body may not be mentioned in any fashion.

The Speaker of the House and the presiding Chairman of the Committee of the Whole have so ruled on numerous occasions.<sup>(2)</sup>

19. Eugene J. Keogh (N.Y.).

20. 87 CONG. REC. 3536, 3537, 77th Cong. 1st Sess.

1. 107 CONG. REC. 4780, 87th Cong. 1st Sess.

2. For a discussion of the prohibition against naming a Senator, see § 44.2,

**§ 44.30 It is in violation of Jefferson's Manual to quote from Senate proceedings even if the intent is to commend and not to criticize.**

On Mar. 31, 1982,<sup>(3)</sup> during consideration of House Resolution 378 (providing investigative funds for House committees), the Speaker Pro Tempore took the initiative to call a Member to order for making improper references to the Senate. The proceedings were as follows:

MR. [FRANK] ANNUNZIO [of Illinois]: Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 378) providing amounts from the contingent fund of the House for expenses of investigations and studies by standing and select committees of the House in the 2d session of the 97th Congress, and ask for its immediate consideration. . . .

supra. See also 109 CONG. REC. 1985, 88th Cong. 1st Sess., Feb. 7, 1963; 96 CONG. REC. 3131, 81st Cong. 2d Sess., Mar. 9, 1950; 87 CONG. REC. 3536, 3537, 77th Cong. 1st Sess., May 2, 1941; and 79 CONG. REC. 12011, 74th Cong. 1st Sess., July 29, 1935. For the current practice, which permits certain references to legislative actions by a Senator, see Rule XIV clause 1 as amended in the 100th and 101st Congresses. *House Rules and Manual* §749 (1995).

3. 128 CONG. REC. 6081, 6083, 97th Cong. 2d Sess.

In answer to a defeated motion to reduce the Senate resolution by an additional \$409,000, Senator Mathias informed his colleagues, just like I did several weeks ago:

We will get to the point where we will damage the effectiveness of the committees. I think that we have to ask the Senate what it would cost the taxpayers in not being able to deal efficiently and, most important, effectively with the problems that beset this country.

THE SPEAKER PRO TEMPORE:<sup>(4)</sup> Will the gentleman suspend momentarily?

The Chair would remind the gentleman that he should not refer to specific debate in the other body.

The gentleman from Illinois will resume.

MR. ANNUNZIO: I am quoting; I am not saying anything derogatory. I am just quoting from the Record, and it is complimentary.

THE SPEAKER PRO TEMPORE: The Chair would only remind the gentleman from Illinois of the rules of the House, in which the House should not refer to specific proceedings of the other body, even in a complimentary way.

MR. ANNUNZIO: I appreciate the suggestion from the Chair. But I thought that I was abiding by the rules because I was saying some nice things about a Republican Senator from Maryland.

THE SPEAKER PRO TEMPORE: The Chair respects the respectful nature of the gentleman in the well, but would again only remind the gentleman of the rules of the House and the Chair's responsibility thereunder to take the initiative he has taken.

4. Timothy E. Wirth (Colo.).

***Reference to Statements Made Off Senate Floor***

**§ 44.31 It has been held a breach of order in debate to notice what a Senator has said in his official capacity, even if his statements were made for newspaper publication.**

On June 26, 1935,<sup>(5)</sup> in the Committee of the Whole Mr. Charles V. Truax, of Ohio, quoted a statement made by a Senator and was challenged on a point of order by Mr. Schuyler Otis Bland, of Virginia. Mr. Truax then stated a parliamentary inquiry whether it was against the rules of the House to notice what a Member of the other body had said for a newspaper publication. Chairman Thomas L. Blanton, of Texas, stated as follows:

If made as a Senator in his official capacity, yes. The gentleman understands the English language, and the Chair has read the rule of the House. [§371 of Jefferson's Manual.] It was held by Mr. Speaker Clark that it is improper for a Member of the House to refer to a Senator even in complimentary terms.

**§ 44.32 It is a breach of order in debate to refer to speeches by Senators made outside of the Senate.**

5. 79 CONG. REC. 10189, 10190, 74th Cong. 1st Sess.

On May 2, 1941,<sup>(6)</sup> after a point of order was made against a reference by a Member to a certain Senator, Speaker Pro Tempore Fadjo Cravens, of Arkansas, ruled that such reference constituted a violation of the rules. The Member whose remarks were objected to stated that his violation of the rules was unintentional, since he had not realized that the House rules also covered statements made by members of the Senate outside the Capitol walls.<sup>(7)</sup>

The Speaker Pro Tempore then stated in response to a parliamentary inquiry that a Member could not do indirectly what he could not do directly, and that the violation of the rules would not be corrected by referring to the Senator in such a way as to avoid specifically naming him.

**§ 44.33 It is a breach of order in debate for a member to read a letter from a member of the Senate.**

On May 25, 1937,<sup>(8)</sup> a Member remarked that he had letters from

6. 87 CONG. REC. 3536, 3537, 77th Cong. 1st Sess.

7. This ruling represents the current line of precedent; for the former practice, see 8 Cannon's Precedents §2519 ("The rule against criticism of Senators in debate applies only to words spoken on the floor and does not extend to speeches and interviews outside the House.").

8. 81 CONG. REC. 5013, 75th Cong. 1st Sess.

members of the Senate voicing their sympathy with a political movement and stated his immediate intention to read one of those letters. Chairman John J. O'Connor, of New York, intervened to rule "the Chair, on its own responsibility, makes the point of order against the reading of the letter from a member of another body."<sup>(9)</sup>

**§ 44.34 The principle of comity between the two Houses prohibits any reference in debate to actions of Senators within or outside the Senate.**

On June 13, 1974,<sup>(10)</sup> a Member demanded that another Member's references in debate to a Senator be stricken from the Record, but did not demand that the words be "taken down" (pursuant to Rule XIV clause 5). The Speaker Pro Tempore sustained the point of order against violation of the principle of comity<sup>(11)</sup> but did not submit to the House the question of striking the unparliamentary words. The proceedings were as follows:

THE SPEAKER PRO TEMPORE:<sup>(12)</sup>  
Under a previous order of the House,

9. In earlier practice, reference was permitted to a letter expressing a Senator's views on legislation; see 5 Hinds' Precedents §5112.
10. 120 CONG. REC. 19083, 19085, 19086, 93d Cong. 2d Sess.
11. See Jefferson's Manual §374, *House Rules and Manual* (1995).
12. John J. McFall (Calif.).

the gentleman from Arizona (Mr. Steiger) is recognized for 45 minutes.

MR. [SAM] STEIGER [of Arizona]: Mr. Speaker, with a petulance usually reserved to Secretaries of State, Mo Udall and Henry Jackson have blamed the defeat of the land-use planning bill on "impeachment politics." Mr. Udall states that the President changed his position on land-use planning in order to retain the support of conservative Members of the House regarding impeachment. . . .

We can fully appreciate that the gentleman from Washington, who is an active candidate for President, might be seeking ways to present his case in some kind of a different manner.

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Speaker, if the gentleman will suspend for a minute, I would like to make a parliamentary inquiry. . . .

I pose the parliamentary inquiry, whether or not discussion of the motives of a Member of the other body is in order.

THE SPEAKER PRO TEMPORE: The gentleman is correct. It is not in order, in view of the rule of comity between the two Houses.

The gentleman will proceed.

MR. STEIGER OF ARIZONA: Mr. Speaker, I would advise the gentleman from California (Mr. Rousselot) that I am about to continue to yield him the time; that I, too, think it is very presumptive of the gentleman from Washington, who is running for President; all I heard the gentleman from California (Mr. Rousselot) say was that the Senator was a candidate for President.

MR. [JOHN H.] ROUSSELOT [of California]: He is a potential candidate for President. If that is impugning his motives, I do not see how it is.

MR. FOLEY: Mr. Speaker, a point of order. The remarks of the gentleman from California and the remarks of the gentleman from Arizona are out of order. I ask that they be stricken.

MR. STEIGER of Arizona: Mr. Speaker, might I be heard on that point of order?

THE SPEAKER PRO TEMPORE: The gentleman will proceed on the point of order.

MR. STEIGER of Arizona: I would restate what I said, that in my view it is presumptuous of the gentleman from Washington to hold himself up as a candidate for the Presidency of the United States. I fail to see that that is impugning the gentleman's motives.

It is an accepted fact in political life that the gentleman from Washington is, indeed, a candidate for the Presidency, at least in his own eyes.

I suspect, and I am certainly entitled to a view of that candidacy and I have stated that view, with no intent at all of demeaning the gentleman from Washington.

THE SPEAKER PRO TEMPORE: While the gentleman has not demanded that words be taken down, the Chair will state that under the rules of debate it is not in order for a Member to voice an opinion or cast a reflection on either Members of the House or Members of the other body and it is not in order to refer to Senators by name or in terms of personal criticism, or even for the purpose of complimenting and the inhibition extends to comments of criticism of their actions outside the Senate.

The Chair would also point out to the gentlemen who are carrying on this debate that it is Thursday afternoon and there is no need to get involved in a big political debate.

So the gentleman in the well will proceed in order.

**§ 44.35 It is a violation of the rules of parliamentary procedure to refer by name to the remarks or actions of a Senator occurring in the Senate or elsewhere, and where a Member in debate or through an insertion in the Record transgresses this rule the Speaker calls him to order under Rule XIV clause 4.**

See the proceedings of Oct. 7, 1975, at § 44.4, *supra*.

**§ 44.36 On one occasion, a Member upon being cautioned by the Chair not to refer to a Senator in debate, obtained unanimous consent to refer to correspondence between the Senator and a federal official.**

The following proceedings occurred in the Committee of the Whole on June 25, 1986,<sup>(13)</sup> during consideration of H.R. 5052 (military construction appropriations):

MR. [DENNIS M.] HERTEL of Michigan: . . . Let me talk about the defense side of this and read a letter from Barry Goldwater, the chairman of the Armed Services Committee in the Senate. . . .

13. 132 CONG. REC. 15492, 99th Cong. 2d Sess.

THE CHAIRMAN:<sup>(14)</sup> The Chair would caution the gentleman not to refer to Members of the other body.

MR. HERTEL of Michigan: Mr. Chairman, is it in order to refer to the letter?

THE CHAIRMAN: Without objection, it may be submitted.

There was no objection.

MR. HERTEL of Michigan: Mr. Chairman, I refer to this letter from Mr. Goldwater. He writes: . . .

Hon. Caspar Weinberger,  
*Secretary of Defense, Department of Defense, Washington, D.C.*

Dear Cap: The issue of home-porting for navy ships is soon to come up before the Senate and quite frankly I'm opposed to it. . . .

This is a letter from the chairman of the Senate Armed Services Committee. This is his opinion.

**§ 44.37 It is improper in debate to refer to quotations of Senators appearing in outside publications ("Senator Proxmire was quoted in The American Banker as saying . . .").**

During consideration of the Federal Savings and Loan Insurance Corporation Revitalization Act of 1987 (H.R. 27) in the Committee of the Whole on May 5, 1987,<sup>(15)</sup> a Member made reference to a quotation from a Senator that had been published whereupon the

Chair reminded the Members that it was against the rules to quote a member of the other body. The proceedings were as follows:

MR. [STEPHEN L.] NEAL [of North Carolina]: . . . Furthermore Mr. Chairman, a distinguished Member of the other body was quoted in a publication dated May 5, The American Banker, as saying that the condition of the FSLIC is being deliberately exaggerated by the U.S. Treasury and the Federal Home Loan Bank Board to pressure Congress into acting on a \$15 billion "clean FSLIC bill." . . .

THE CHAIRMAN:<sup>(16)</sup> The Chair would like to remind Members that it is not in accordance with our rules to quote an individual Member of the other body.

**Reference to Senate Votes**

**§ 44.38 Reference in debate to Senate votes on a legislative proposition is not in order.**

On Aug. 17, 1961,<sup>(17)</sup> after Mr. Frank Thompson, Jr., of New Jersey, moved to strike out the last word on a pending proposition, he read into his remarks a newspaper editorial referring to the vote of some Republicans on a proposition before Congress. A point of order was made that it was contrary to the rules of the House to mention the vote of a

14. William J. Hughes (N.J.).

15. 133 CONG. REC. 11214, 100th Cong. 1st Sess.

16. Dan Glickman (Kans.).

17. 107 CONG. REC. 16210, 87th Cong. 1st Sess.



Senator and Chairman Wilbur D. Mills, of Arkansas, sustained the point of order.<sup>(18)</sup>

**§ 44.39 Under section 371 of Jefferson's Manual, it is not in order in the House to refer to particular votes in the Senate or to the positions taken by individual Senators.**

The following proceedings occurred in the Committee of the Whole on July 29, 1981,<sup>(19)</sup> during consideration of H.R. 4242 (Tax Incentive Act of 1981):

MR. [JACK] KEMP [of New York]: I appreciate the comments of my friend from Georgia. They are very important to all of us and in the same spirit of bipartisanship I am pleased to announce that the Senate, in an overwhelming vote of 89 to 11, passed substantially the same bill as the Conable-Hance substitute. . . .

MR. [GERALD B.] SOLOMON [of New York]: Mr. Chairman, I rise in favor of

**18.** See also 78 CONG. REC. 1111, 73d Cong. 2d Sess., Jan. 22, 1934.

References to the votes of Senators on legislative propositions are specifically prohibited by Jefferson's Manual: "It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there. . . ." *House Rules and Manual* §371 (1995). See §44.14, *infra*, for current decisions on references to Senate votes.

**19.** 127 CONG. REC. 18244, 18249, 97th Cong. 1st Sess.

the Conable-Hance bill, and I bring the Members' attention to a list of 23 more Democratic Senators who have just supported this fine bill.

THE CHAIRMAN:<sup>(20)</sup> The gentleman will suspend. As the gentlemen from New York know, the action of the Senate and individual votes in that body may not be mentioned in debate. The Members will keep that in mind.

**§ 44.40 Jefferson's Manual prohibits reference in debate to specific votes in the Senate.<sup>(1)</sup>**

During consideration of the conference report on S. 1503 (Standby Petroleum Allocation Act) in the House on Mar. 2, 1982,<sup>(2)</sup> the following exchange occurred:

MR. [TIMOTHY E.] WIRTH [of Colorado]: This is a conference report and this has been through the Senate, as the gentleman said. Has this not already been voted on?

MR. [PHILIP R.] SHARP [of Indiana]: The Senate voted for this 86 to 7.

MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Speaker, a point of order.

MR. WIRTH: The Senate voted for it 86 to 7.

MR. BROYHILL: Mr. Speaker, point of order.

**20.** William H. Natcher (Ky.).

**1.** See *House Rules and Manual* §371 (1995). However, this proscription has been relaxed somewhat by virtue of the new language in Rule XIV, clause 1, added in the 101st Congress.

**2.** 128 CONG. REC. 3117, 97th Cong. 2d Sess.

THE SPEAKER PRO TEMPORE:<sup>(3)</sup> The gentlemen are reminded that they should not refer to the specific vote in the other body.

**§ 44.41 It is a violation of the rule of comity to refer in debate to the votes of particular members of the Senate, and the Chair has called Members to order on his own initiative for quoting the vote totals on a measure when it was before the Senate.**

On Apr. 12, 1984,<sup>(4)</sup> during consideration of House Concurrent Resolution 290 (expressing the sense of Congress that no appropriated funds be used for the purpose of mining the ports or territorial waters of Nicaragua) in the House, the Chair exercised his initiative in admonishing the Members against references to the Senate:

MR. [HENRY J.] HYDE [of Illinois]: . . . I have this hopelessly old-fashioned notion that as leader of the free world we have an obligation to resist handing Central America over to the Fascists of the left, the Communists. . . .

I would remind you that a few days ago the senior Senator from New York stood on the floor of the other body and reminded his colleagues that as of the

moment he was talking, half of the arms and 80 percent of the ammunition being used by the guerrillas to kill and to bomb and to maim and to destroy powerlines and schools and to burn buses in El Salvador was coming through Nicaragua. . . .

MR. [THEODORE S.] WEISS [of New York]: Mr. Speaker, might I remind the distinguished minority leader in this House that the other body, under the leadership of its Republican leader, by a vote of 84 to 12 adopted this identical resolution. The Foreign Affairs Committee, with the dissent of only three members of the minority party, by a vote of 32 to 3 reported out this resolution. . . .

THE SPEAKER PRO TEMPORE:<sup>(5)</sup> The Chair would remind the Members of the House that it is not within the purview of the rules to state a vote of the other body. That has now been done twice and the Chair would caution the Members of the House not to do that. . . .

MR. [ELLIOTT H.] LEVITAS [of Georgia]: . . . Tonight I will act in a bipartisan way, and I will not repeat the overwhelming bipartisan vote in the other body on this identical resolution, but tonight I will join in a bipartisan way voting with people who have names like Armstrong, Baker, D'Amato, Garn, Grassley, Laxalt, Percy, Simpson, Stevens, and Warner.

This should be a bipartisan vote in this House as well.

THE SPEAKER PRO TEMPORE: The Chair would again remind the Members that it is not within the purview of the rules either to state a specific vote on an issue in the other body or to

3. George E. Danielson (Calif.).

4. 130 CONG. REC. 9474, 9477, 9478, 98th Cong. 2d Sess.

5. Steny H. Hoyer (Md.).

reference specific Members of the other body as to how they vote.

**§ 44.42 It is a breach of order in debate to notice particular votes in the Senate, even on a subject related to that under House debate, and it is the duty of the Chair to take the initiative in enforcing this rule.**

On July 31, 1984,<sup>(6)</sup> during consideration of House Resolution 555 (expressing the sense of the House that it disapproves the appointment of Anne M. Burford) in the House, the Speaker Pro Tempore, in response to a parliamentary inquiry, admonished the Members against references to votes occurring in the other body:

MR. [NORMAN E.] D'AMOURS [of New Hampshire]: . . . I would like to compliment my very good friend from Alaska (Mr. Young) . . . for having completely avoided injecting partisan politics into his approach to this resolution. . . .

The Senate last week voted in a fully bipartisan way to object to the appointment of Anne Burford. As a matter of fact, the Republicans voted overwhelmingly against her appointment. I think the vote was 33 to 19, in the Republican Party 19 supporting her. This truly is bipartisan.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry. . . .

6. 130 CONG. REC. 21670, 98th Cong. 2d Sess.

Mr. Speaker, on occasions in the recent past, Members of the minority on the floor have been cautioned about utilizing votes in the Senate or referring to the Senate's deliberations in any way on this floor.

Is that something which is only going to apply to the minority and references such as we just heard used extensively in the debate of the gentleman from New Hampshire go unrep- rimanded by the Chair?

THE SPEAKER PRO TEMPORE:<sup>(7)</sup> The Chair would indicate that those references should not have been made to specific votes in the other body. Members on both sides of the aisle will refrain from those kinds of references.

**§ 44.43 Although it is proper to refer to the fact that particular matters have been sent from the Senate, it is not in order in debate to refer to specific votes in the Senate or to criticize members of the Senate who voted a particular way.**

During consideration of the conference report on House Joint Resolution 372 (to extend the public debt limit) in the House on Nov. 6, 1985,<sup>(8)</sup> the following proceedings occurred:

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the dis-

7. Leon E. Panetta (Calif.).

8. 131 CONG. REC. 30852, 30853, 30863, 30864, 99th Cong. 1st Sess.

agreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 372) entitled "Joint resolution increasing the statutory limit on the public debt." . . .

The message also announced that the Senate concurs in House amendment to Senate amendment No. 2, with an amendment. . . .

MR. [CONNIE] MACK [III, of Florida]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Mack moves to take from the Speaker's table House Joint Resolution 372, with the Senate amendment to the House amendment to Senate amendment No. 2 and to concur in the Senate amendment as follows: . . .

MR. MACK: Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi (Mr. Lott).

MR. [TRENT] LOTT [of Mississippi]: Mr. Speaker, earlier this afternoon, the other body once again voted on this issue that we have been debating, the deficit reduction package known as the Gramm-Rudman-Hollings-Mack deficit reduction package. The vote was almost identical to the vote that occurred some 3 weeks ago, I guess now, 74 to 24.

I understand from talking to our colleagues in the other body that the gentleman from Michigan (Mr. Levin) added an amendment that was an improvement on the bill and that was accepted.

MR. [LES] AUCOIN [of Oregon]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER:<sup>(9)</sup> The gentleman will state his parliamentary inquiry.

MR. AUCOIN: Mr. Speaker, is it not against the rules of the House to refer to actions in the other body, either Members of the other body or votes in the other body?

THE SPEAKER: Under normal circumstances, the answer is in the affirmative. But we are referring to a matter that has just been sent over from the other body, so the gentleman may refer to that fact.

MR. AUCOIN: Mr. Speaker, does that include that announcement of the actual vote in the other body?

THE SPEAKER: The Chair will state to the gentleman that that would not be in order.

**§ 44.44 It is not in order in debate to refer to specific votes in the Senate, and the Chair calls to order Members on his or her own initiative for violating the rule of comity.**

The following proceedings occurred in the House on Mar. 13, 1986:<sup>(10)</sup>

MR. [WILLIAM H.] GRAY [3d] of Pennsylvania: Mr. Speaker, I rise in strong support of the rule allowing for consideration of House Concurrent Resolution 296, the concurrent resolution on the budget for fiscal year 1987. . . .

Last week the Senate Budget Committee considered the President's budget and voted against its adoption. In considering the President's budget, the Senate Budget Committee was able to gain some idea of the level of support

9. Thomas P. O'Neill, Jr. (Mass.).

10. 132 CONG. REC. 4636, 99th Cong. 2d Sess.

for that plan and use that experience in setting out to formulate an alternative. Then after the vote, they started to work on an alternative and they are still working. They did not have an alternative when they voted on the President's budget. They voted and they are now working, and I propose the same thing.

THE SPEAKER PRO TEMPORE:<sup>(11)</sup> The Chair would ask that Members not refer to any specific vote in the other body.

### ***Insertions in the Record***

#### **§ 44.45 Inserting references to Senate speeches or proceedings in the *Congressional Record* Extension of Remarks is a violation of House rules.**

On May 2, 1941, Mr. Adolph J. Sabath, of Illinois, inserted in the Extension of Remarks of the *Congressional Record* extensive references to speeches made by a certain Senator, principally off the floor of the Senate.<sup>(12)</sup>

On May 5, 1941, Mr. Clare E. Hoffman, of Michigan, raised a question of the privilege of the House.<sup>(13)</sup> Mr. Hoffman referred to the extension of remarks of Mr. Sabath and introduced a resolution to have those remarks ex-

punged from the Record since they were in violation of the rules of the House prohibiting reference in debate to Senators and their proceedings.

Mr. Sabath then addressed the House and was granted unanimous consent to withdraw the objectionable remarks from the permanent Record.<sup>(14)</sup>

### ***Critical References to Senate or its Committees***

#### **§ 44.46 It is not in order in debate to criticize actions of the Senate or its committees, and it is the duty of the Speaker to call the offending Member to order;<sup>(15)</sup> thus, where improper reference to the Senate has been made by a Member, the Speaker has called the Member to order.**

On Apr. 17, 1975,<sup>(16)</sup> the proceedings described above, relative to a violation of the principle of

11. John Joseph Moakley (Mass.).

12. See 87 CONG. REC. 3609, 77th Cong. 1st Sess.

13. *Id.* at pp. 3566, 3567.

14. See also §44.2, *supra* (where a Member inquired whether a letter written by him to a Senator could be inserted in the Record as an extension of his remarks, the Speaker stated that a point of order could be based on the objectionable insertion).

15. See Jefferson's Manual §374, *House Rules and Manual* (1995).

16. 121 CONG. REC. 10458, 94th Cong. 1st Sess.

comity, occurred in the House, as follows:

(Mr. Cleveland asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

MR. [JAMES C.] CLEVELAND [of New Hampshire]: Mr. Speaker, I am amazed that four Democratic members of the Rules Committee of the other body, reviewing the challenge of Democrat John Durkin to the seating of Senator-elect Louis Wyman, should have yesterday voted to take away from Wyman 10 straight Republican ballots that had been properly counted for him in New Hampshire. These critically important votes belong to Mr. Wyman by settled New Hampshire law in a contest with an existing margin of two votes.

As even Durkin's counsel acknowledged before the committee, the ballots were and would have consistently been counted for Wyman in New Hampshire. On each the voter had voted a cross in the straight Republican circle with no marks on the Democratic side of the ballot. He had also voted a cross in every voting square except Mr. Wyman's. By operation of statute and court decision in New Hampshire for 60 years—as well as in other States having the straight ticket option—a vote in the straight ticket circle is a vote for every candidate under the circle and a vote in every box under the circle by operation of law.

Worse yet, similar ballots for Durkin in the original New Hampshire recount had not been challenged by Wyman because under settled New Hampshire law they were recognized as valid votes. These remain in the totals relied

on by the Senate committee, counted for Durkin.

On April 9 in this Record I called for a new election in New Hampshire and surely this has now become a compelling necessity, unless we are to witness a legislative Watergate.

THE SPEAKER:<sup>(17)</sup> The Chair must ask the gentleman to desist and must call to the attention of the gentleman from New Hampshire that his remarks are in violation of the rules of the House and rules of comity. The Chair has been very lenient, but this goes far beyond the bounds.

It is not proper to criticize the actions of the other body, or any committee of the other body, in any matter relating to official duties.

MR. CLEVELAND: Mr. Speaker, would it be in order for me to quote a Member of the other body who characterized this?

THE SPEAKER: No, it would not be. The Chair was very lenient by letting the gentleman make his point, but the Chair is going to be strict in observing the rules of comity between the two bodies. Otherwise we cannot function as an independent, separate legislative body under the Constitution of the United States.

### ***Removing Remarks Violative of Comity From Record***

**§ 44.47 The Speaker, upon hearing words in debate which were critical of a Senator, assumed the duty imposed upon him by Jefferson's Manual<sup>(18)</sup> and in-**

17. Carl Albert (Okla.).

18. See *House Rules and Manual* §374 (1995).

**formed the offending Member that his words were in violation of the principle of comity and should be removed from the Record.**

On Nov. 18, 1975,<sup>(19)</sup> the proceedings described above occurred as follows:

(Mr. [R. Lawrence] Coughlin [of Pennsylvania] asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

[Mr. Coughlin addressed the House and in his remarks was critical of Senator Proxmire and his support for the Joint Committee on Defense Production.]

THE SPEAKER: <sup>(20)</sup> The Chair, in view of the noise that was in the Chamber, was unable to hear all of the remarks of the gentleman from Pennsylvania which, I understand, referred to activities of the Senate and to Members of the other body. This is in violation of the Rules of the House, and any remarks made by the gentleman from Ohio should not touch upon that subject. Any remarks made by the gentleman from Pennsylvania that touched upon that subject should be removed from the Record and should not be put in the Record.

**§ 44.48 It is not in order in debate to refer critically to members of the Senate, and**

19. 121 CONG. REC. 37010, 94th Cong. 1st Sess.

20. Carl Albert (Okla.).

**the Chair is required on his own initiative by both clause 4, Rule XIV, and section 374 of Jefferson's Manual to call a Member to order for such remarks unless the Member voluntarily withdraws them from the Record (prior to demand by another Member that the words be "taken down").**

In the proceedings of Aug. 20, 1980,<sup>(1)</sup> the Chair, in inquiring whether a Member wished to withdraw his remarks concerning a Senator, referred to section 374 of Jefferson's Manual, which relates to the duty of the Speaker to prevent expressions offensive to the other House. The proceedings were as follows:

MR. [ROBERT K.] DORNAN [of California]: . . . The FEC, through its Office of General Counsel, has allowed an elected Federal official, just like ourselves, to keep for over 1 year, \$1,150 of acknowledged illegal corporate campaign contributions. The corporation—whatever it did is somewhat unclear—laundered \$13,000 into my opponent's campaign and \$23,150 of illegal corporate money into this elected Federal official's campaign coffers. . . .

And now a convicted felon down at the Talladega Prison in Alabama . . . denies that this Federal official ever returned the money to him. I direct my colleagues to read the relevant

1. 126 CONG. REC. 22151–53, 96th Cong. 2d Sess.

Jack Anderson columns. I was told while at the Talladega Federal prison in Alabama in the presence of an FBI agent and an assistant U.S. district attorney from Birmingham that my young opponent merely went through the motions of returning illegal \$1,000 corporate campaign contributions. I was told that this \$13,000 was returned. The money never left California. It was reloaned to my young opponent by his original Alabama benefactor. . . .

MR. [RONNIE G.] FLIPPO [of Alabama]: . . . I wish the gentleman would refrain from referring to the Senator from Alabama, and give the Senator an opportunity to do what he needs to do to explain the situations. He does not need to be tried by the Jack Andersons of this world. We have a proper court procedure and a way to proceed in that regard.

I would hope that the gentleman would refrain from bringing up the name of any official from Alabama, or any other State official's name up, in a manner that would tend to encourage people to believe that they had done something wrong, when no such thing exists or it has not been proven in a court of law. I know the gentleman's high regard for court proceedings.

MR. DORNAN: If the gentleman will yield, I believe I have discovered a major coverup; a terribly inept, if not illegal obstruction of justice by Justice Department people assigned to the fair State of Alabama. I gave the Senator mentioned before a face-to-face opportunity, alone in his office, to explain his involvement but he would not do so.

MR. FLIPPO: Mr. Chairman, I ask that the gentleman's words be taken down.

THE CHAIRMAN:<sup>(2)</sup> The gentleman may not refer to Members of the other body.

MR. FLIPPO: Mr. Chairman, I would ask that the gentleman's words be taken down. . . .

THE CHAIRMAN: The Chair will state to the gentleman from California (Mr. Dornan) that under the rules of the House it is not in order to refer to Members of the other body and in the light of that the Chair would ask the gentleman from California if he wishes to withdraw his remarks concerning the Member of the other body.

MR. DORNAN: Mr. Chairman, as of about a year-and-a-half ago, videotape records of House proceedings have been made. Taking that into consideration I will accede to the Chair's suggestion and remove all statements in the written Record pertaining to Members of the other body.

THE CHAIRMAN: The gentleman will proceed. The gentleman has agreed to remove all the statements in question from the Record. Otherwise the Chair would exercise his authority under section 374 of Jefferson's Manual [relating to the duty of the Speaker to prevent expressions in debate offensive to the other House].

**§ 44.49 It is against the rules of order stated in Jefferson's Manual to read into the Record remarks critical of members of the Senate or to the actions of individual Senators, and while the Speaker does not have unilateral au-**

2. Richardson Preyer (N.C.).



**thority to expunge improper references from the Record, he may request Members who have made improper references to Senators to omit those references from the Record.**

While under section 374 of Jefferson's Manual it is the duty of the Speaker to interfere "so as not to permit expressions to go unnoticed which may give a ground of complaint to the other House," the Speaker has not been presumed to have unilateral authority to expunge improper references from the Record, but merely to request the offending Member to delete the references. The House and not the Speaker controls the Record and the Speaker must rely on the good faith of Members to heed his admonition to delete the offending material. (Of course, the Speaker may deny further recognition to Members violating the prohibition against improper references.)<sup>(3)</sup> A request that offending material be deleted from the Record was made by the Speaker Pro Tempore<sup>(4)</sup> on May 8, 1984.<sup>(5)</sup>

THE SPEAKER PRO TEMPORE: Under a previous order of the House, the gen-

3. See the proceedings of June 16, 1982, discussed in § 44.5, *supra*.
4. Theodore S. Weiss (N.Y.).
5. 130 CONG. REC. 11421, 11425, 11428, 98th Cong. 2d Sess.

tleman from Pennsylvania (Mr. Walker) is recognized for 60 minutes.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, recently Frank Gregorsky, from the Republican Study Committee, prepared a paper entitled "What's the Matter with Democratic Foreign Policy?" . . . I am going to begin presenting this paper as Mr. Gregorsky has written it.

PART ONE: A WORLD VIEW IN SEARCH OF  
A WORLD . . .

Everyone knows that Senator Ted Kennedy has a "dovish" voting record on defense and foreign policy matters. . . .

Kennedy chose to write in *Rolling Stone* on March 15, 1984:

Reagan is the best pretender as president that we have had in modern history. Some White House aides talk of "the peace issue" as if it were mostly a political problem for Ronald Reagan. Others imply that they only need to play for time before launching a wider war in Central America in 1985. . . .

That definitive prose is worth more for insight than a printout of Kennedy's 21 plus years of Senate votes; there's a comprehensive way of viewing America and the world behind it. . . .

To be a rising Democrat today requires a certain view of what shaped the present. It was stated with a flourish by a man elected to the House in 1974 and the Senate in 1978, Paul Tsongas of Massachusetts, in a floor speech January 29, 1980:

Twenty years ago, Mr. President, people stood up on the floor of this Chamber and said, "Well, maybe Batista was not such a great soul after all," but they never said any-

thing about him when he was in power. "And this fellow, Fidel Castro, we do not like the way he combs his beard."

THE SPEAKER PRO TEMPORE: Would the gentleman pause just a moment. The Chair does request the gentleman to omit those portions of the paper which he is reading which refer to specific sitting Members of the other body and to their actions in that body.

As you know, there is a rule against it, and the Chair is required to take the initiative to enforce that rule.

MR. WALKER: Mr. Speaker, if I am not mistaken, the gentleman to whom I am referring was a Member of the House during the period of the time that this speech was made.

THE SPEAKER PRO TEMPORE: As long as it is not a reference to his actions in the other body, in the Senate, or critical of him as a Senator.

There are a couple of other references a bit earlier that the Chair would respectfully request the gentleman to omit when he has finished his reading today.

**§ 44.50 In response to a point of order, the Speaker Pro Tempore called to order a Member for referring to proceedings in the Senate and ordered the remarks stricken from the Record without objection.**

On Dec. 10, 1980,<sup>(6)</sup> a point of order was made against the fol-

6. 126 CONG. REC. 33204, 96th Cong. 2d Sess.

lowing remarks of Mr. Don Edwards, of California:

MR. EDWARDS of California: Mr. Speaker, yesterday, in a moment that will long be remembered with bitterness by the minorities, women, and the handicapped of America, the Congress sounded the death knell for the Fair Housing Amendments Act of 1980.

. . .

We must also fully recognize why the measure failed. Republican leaders, intimidated by a small minority of their own party, aided and abetted this abdication of responsibility. President-elect Reagan himself, asked to reassure minorities, that a Republican administration will not turn its back on their needs, issued meaningless platitudes instead of support for a bill that the House of Representatives adopted by a 3-to-1 margin. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I make a point of order against the gentleman's remarks. They are not in keeping with the rule that requires no mention of the other body.

THE SPEAKER PRO TEMPORE:<sup>(7)</sup> The gentleman from California (Mr. Edwards) is referring to the proceedings of the other body. He will please restrict them. They are out of order and without objection, will be stricken from the Record.

**§ 44.51 On his own initiative, the Speaker Pro Tempore called a Member to order for referring to the Senate in a critical manner.**

7. Ray Roberts (Tex.).

On Dec. 10, 1980,<sup>(8)</sup> Mr. Robert S. Walker, of Pennsylvania, was called to order by the Chair for remarks made in the following statement:

(Mr. Walker asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

MR. WALKER: Mr. Speaker, it appears as though Washington lame-ducks are lining up for one last major rape of the American taxpayer. In the continuing appropriations bill that has emerged, section 155 builds in the potential for severance pay for the Senate staff members displaced by the transition to a Republican majority.

I took a look at the figures and figured out that in one committee, in the Foreign Relations Committee, if everybody draws the maximum permitted under that bill, that one committee will be eligible for \$426,500 in severance pay.

THE SPEAKER PRO TEMPORE:<sup>(9)</sup> The Chair will advise the gentleman from Pennsylvania that the Chair just had to call to order a Member from the other side of the aisle. The gentleman simply cannot refer to the other body in those terms. Will the gentleman please remove these remarks?

MR. WALKER: I thank the Chair for his correction. I thought the Chair ruled in favor of it in the previous instance.

THE SPEAKER PRO TEMPORE: The gentleman may proceed.

8. 126 CONG. REC. 33205, 96th Cong. 2d Sess.

9. Ray Roberts (Tex.).

### ***Historical References to Senate Actions***

**§ 44.52 The inhibition against referring in debate to members or proceedings of the Senate does not extend to historical discussion of previous members of the Senate; on one occasion, where a point of order was made that a Member was violating the rule of comity by referring to past members of the Senate, the Chair did not directly rule on the point of order but advised the Member having the floor to continue to proceed in order.**

On May 18, 1977,<sup>(10)</sup> the proceedings described above occurred in the Committee of the Whole as follows:

MR. [WILLIAM] CLAY [of Missouri]: Mr. Chairman, I might say that the passage of this act had something to do with the personalities and personal conflict between two Senators from the State of New Mexico, one whose name bears the title of this bill, the Hatch Act. Senator Hatch, even though a Democrat, had not been privy to the political spoils system because he was an opponent of Franklin Roosevelt, so his counterpart in the Senate was the recipient of all of the political jobs under the WPA and other relief programs.

10. 123 CONG. REC. 15388, 95th Cong. 1st Sess.

Consequently, in an effort to get back at this counterpart and at Franklin Delano Roosevelt——

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, a point of order.

THE CHAIRMAN:<sup>(11)</sup> The gentleman will state his point of order.

MR. BAUMAN: The gentleman is referring to the other body and actions in the other body. Under our rules, that is forbidden.

THE CHAIRMAN: The gentleman may proceed in order.

MR. CLAY: Thank you, Mr. Chairman. I thought I was referring to history. If the other body is not a part of history, I am sorry.

***Members Wishing To Discuss Actions of Senate Should Do So Off the Floor***

**§ 44.53 A Member stated in a one-minute speech that because the rules of comity prohibited him from referring in debate to the actions or statements of a member of the Senate, he would make his comments elsewhere.**

On May 10, 1978,<sup>(12)</sup> Mr. David R. Obey, of Wisconsin, made the following statement in the House:

(Mr. Obey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

11. James R. Mann (S.C.).

12. 124 CONG. REC. 13211, 95th Cong. 2d Sess.

MR. OBEY: Mr. Speaker, I wish House rules did not prevent me from saying on this floor what I would like to say about a speech delivered Monday by a certain Member of the other body but, because they do, I will make my comments elsewhere.

*Parliamentarian's Note:* Mr. Obey objected to statements by Senator Weicker reported in the press, criticizing the administration's policy in the Middle East, but was advised that any statement in debate criticizing or referring to a member of the Senate or his remarks either on or off the Senate floor would violate the rule of comity.

***References to Senators Who Are Presidential Candidates***

**§ 44.54 The rule of comity in debate, which has been strictly construed to prohibit references to the words or actions of members of the Senate, does not prohibit references to Senators in their capacity as candidates for the Presidency or other office, but references attacking the character or integrity of a member of the Senate are improper (and the Chair on his own initiative enforces the rule of comity in debate).**

On Oct. 30, 1979,<sup>(13)</sup> the following proceedings occurred in the House:

(Mr. Dornan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

MR. [ROBERT K.] DORNAN [of California]: Mr. Speaker, I support what the distinguished gentleman from Florida (Mr. Young) has called for: The resignation of Robert Strange McNamara from the World Bank. Only one Member of the Congress of the United States has ever negotiated the Chapquiddick Channel by swimming it. Only one Member of Congress has ever made it across that channel on his own power. And he was not a Member of the U.S. Senate. That person is this Congressman standing here before this body, me. . . .

THE SPEAKER PRO TEMPORE:<sup>(14)</sup> It is a violation of the rules of the House to attack the character or integrity of a Member of the other body and the rule of comity also prohibits references either directly or indirectly to words or actions of a Member of the other body, with respect to his actions in that body. There is a delicate line which lies sometimes almost invisibly between a Member in his capacity as a Member of Congress, and that same individual in his capacity as a candidate for the Presidency or other office.

The Chair hopes and trusts that Members will exercise sufficient prudence and sufficient good taste that they will respect that difference.

13. 125 CONG. REC. 30150, 96th Cong. 1st Sess.

14. James C. Wright, Jr. (Tex.).

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Speaker, I will not demand that the secretary take down the words of the previous speaker, but in the light of the ruling that the Chair just made, if similar outbursts occur I will make that demand.

**§ 44.55 Remarks in debate ordinarily may not include references to members of the Senate other than to identify their sponsorship of legislation; but where a Senator is also a candidate for President or Vice President his official policies, actions, and opinions as a candidate may be criticized in terms not personally offensive.**

On Sept. 29, 1988,<sup>(15)</sup> during the period for one-minute speeches in the House, the following proceedings occurred:

(Mr. Williams asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

MR. [PAT] WILLIAMS [of Montana]: Mr. Speaker, yesterday Republican Vice-Presidential candidate Dan Quayle was in Texas. He visited, he was kind enough to go by and visit a Job Corps center in El Paso, and while there he looked 300 Job Corps students in the eye and said, "We believe in you."

He did not tell them that he had voted to shut that center down. He did

15. 134 CONG. REC. 26683, 26684, 100th Cong. 2d Sess.

not tell them that the Reagan-Bush administration in fact has demanded that every Job Corps center in America, bar none, be closed.

This is the same Senator Quayle that supports wars that he won't fight, the same Senator Quayle who got into law school under an entry minority program that he later votes against.

There is a word for it, my colleagues, it is called hypocrisy.

MR. [DAN] LUNGREN [of California]: Mr. Speaker, I ask that the gentleman's words be taken down. . . .

THE SPEAKER:<sup>(16)</sup> The Clerk will report the words of the gentleman from Montana.

The Clerk read as follows:

This is the same Senator Quayle that supports wars that he won't fight, the same Senator Quayle who got into law school under an entry minority program that he later votes against.

There is a word for it, my colleagues, it is called hypocrisy.

THE SPEAKER: The Chair has considered closely the question of the use of words to distinguish policies as opposed to individuals. There are precedents touching on proper and improper references in debate and dealing with the preservation of comity between the House and Senate. It is important to recognize that the individual referenced in the remarks not only is a candidate for Vice President of the United States but is a Member of the other body.

The precedents relating to references in debate to the President, Vice President, or to a Member of the other body who is a nominated or declared can-

didate for President or Vice President permit criticisms of official policy, actions and opinions of that person as a candidate, but do not permit personal abuse, do not permit innuendo and do not permit ridicule, and they do require that the proper rules of decorum must be followed during any debate relating to the President of the United States or a Member of the other body.

It could be argued that there is a distinction between calling an individual a hypocrite, for example, and referring to some policy as hypocrisy, but the Chair has discovered a precedent that seems to be directly in point. In 1945, a Member of the House from Georgia referred to another Member and said, "I was reminded that pretexts are never wanting when hypocrisy wishes to add malice to falsehood or cowardice to stab a foe who cannot defend himself." Speaker Rayburn ruled that this was out of order as an unparliamentary reference to another Member of the body.

By extension, the same identical words should be held out of order in reference to a Member of the other body whether or not he were a candidate for a high office, and under these circumstances and citing this precedent, the Chair would suggest that the gentleman from Montana withdraw the offending remarks, including the particular word "hypocrisy," and either amend his reference in the permanent Record or delete it. . . .

MR. WILLIAMS: Mr. Speaker, do I understand correctly that the Speaker's ruling is based upon my characterization of a U.S. Senator, in this case Senator Quayle, that had the Republican Vice-Presidential candidate not been at

16. James C. Wright, Jr. (Tex.).

this time a U.S. Senator, that my remarks would, in fact, be in order? . . .

THE SPEAKER: . . . The Chair would suggest to the gentleman from Montana that there are standards that apply in the Chamber and in the precedents with respect to nominated candidates for President and Vice President. The Chair is not certain if they are precisely the same as applied to a Member of the other body or a Member of this body, but in this instance, it is not necessary to make that hypothetical distinction since the individual involved is a Member of the other body.

MR. WILLIAMS: Further parliamentary inquiry, Mr. Speaker: Would it be within the rules of the House if the last sentence of my 1-minute, the one which characterizes Senator Quayle's actions as hypocrisy, be removed by unanimous consent from my 1-minute statement?

THE SPEAKER: The Chair would suggest to the gentleman from Montana that this might be a satisfactory solution.

MR. WILLIAMS: Mr. Speaker, I ask unanimous consent that the last sentence of my 1-minute statement, the sentence in which I characterized Senator Quayle's actions as hypocrisy, be stricken.

MR. LUNGREN: Mr. Speaker, parliamentary inquiry.

THE SPEAKER: Please, the Chair will recognize the gentleman for a parliamentary inquiry, but, first, please permit the gentleman from Montana to complete his request. . . .

MR. LUNGREN: I reserve the right to object, Mr. Speaker.

THE SPEAKER: That is fine. The gentleman may reserve his right to object,

but in the interests of orderly procedure, permit the Chair to allow the gentleman from Montana to complete his request.

MR. WILLIAMS: Let me be sure the Chair understands my request: I have asked unanimous consent that the last sentence of my 1-minute statement be stricken. . . .

THE SPEAKER: . . . Has the gentleman from Montana completed his request?

MR. WILLIAMS: No, Mr. Speaker, I have not. Both times I have been interrupted as I have attempted to ask unanimous consent that the last sentence of my 1-minute statement be eliminated. That was the sentence which referred to Senator Quayle's actions as hypocrisy. I seek unanimous consent to strike the last sentence of my 1-minute statement.

THE SPEAKER: Is there objection to the request of the gentleman from Montana?

MR. LUNGREN: Mr. Speaker, reserving the right to object, Mr. Speaker, under normal circumstances and in the interests of comity of this House and the relationship of this House and the other body, I would not object. However, as is very obvious from the statements of the gentleman, the insult, the language that is not to be used under our rules was repeated three times in an effort to make a point which violates, in my judgment, the sense of the rules of the House and, therefore, since it is not, I believe, appropriate to do that, I object.

THE SPEAKER: Objection is heard.

*Parliamentarian's Note:* On Sept. 29, 1988,<sup>(17)</sup> Speaker Wright

17. 134 CONG. REC. 26683, 26684, 100th Cong. 2d Sess.

ruled that although it is not in order in debate to criticize a member of the Senate, where the Senator is also a candidate for President or Vice President, his official policies, actions, and opinions as a candidate may be criticized so long as those references are not personally offensive. That ruling was consistent with an earlier ruling of Oct. 30, 1979,<sup>(18)</sup> also cited in the *House Rules and Manual* at §371. Similar rulings prohibiting personally abusive references to the President or Vice President are cited in §370 of the *Manual*. Thus, it is clear that a standard exists under the precedents under which personally offensive references to a sitting President, Vice President, or Senator are out of order although that person may be a candidate for office.

On Sept. 29, 1988,<sup>(19)</sup> Speaker Wright was asked whether a similar standard applied to references in debate to a candidate who did not happen to hold any of those offices. The Speaker responded that “there are standards that apply in the Chamber and in the precedents with respect to nominated candidates for President and Vice President. The Chair is

not certain if they are precisely the same as applied to a member of the other body or a Member of this body . . .” but in that instance it was only a hypothetical question which the Chair declined to answer with any greater specificity.

***Referring to Senate Inaction on Subject Under Debate in House***

**§ 44.56 Jefferson’s Manual<sup>(20)</sup> proscribes references in debate to specific proceedings of the Senate or to Senators by name, and the Chair should take the initiative to prevent such references.**

The following proceedings occurred in the House on Oct. 29, 1981,<sup>(1)</sup> during consideration of S. 815 (Department of Defense authorization for fiscal year 1982):

MR. [DUNCAN L.] HUNTER [of California]: . . . Mr. Speaker, I would simply like to say I am a member of the Special Procurement Procedures Panel that was started this year on the Armed Services Committee. In fact, we have held a large number of hearings. . . .

But we have a problem with accepting the Senate recommendations,

18. 125 CONG. REC. 30150, 96th Cong. 1st Sess.

19. 134 CONG. REC. 26683, 26684, 100th Cong. 2d Sess.

20. See *House Rules and Manual* §§371, 374 (1995).

1. 127 CONG. REC. 26051, 97th Cong. 1st Sess.



which I understand came about without benefit of hearings.

I would be happy to yield to the gentlewoman from Colorado if she could address that point.

Is that true, that Senator Nunn had no hearings on this?

MRS. [PATRICIA] SCHROEDER [of Colorado]: I would be delighted to respond if the gentleman will yield.

THE SPEAKER PRO TEMPORE:<sup>(2)</sup> The Chair would observe it is not appropriate to refer to the proceedings of the other body. It is not in order to refer to Senators by name. It is not in order to refer to debates, probable action or procedure of the Senate.

**§ 44.57 Under Jefferson's Manual,<sup>(3)</sup> the Chair takes the initiative in calling Members to order who make improper references during debate to Senate legislative inaction.**

During debate in the House on Mar. 23, 1982,<sup>(4)</sup> the following proceedings occurred:

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, as the Members know, it is a difficult job to try to bring out these bills responsibly. We are working on a timetable with the administration. There are several bills, the health and education and labor bill and the Post Office and Treasury bill, that have not been passed by the Congress.

2. James L. Oberstar (Minn.).

3. See *House Rules and Manual* § 374 (1995).

4. 128 CONG. REC. 5014, 97th Cong. 2d Sess.

But it is not the fault of this House. They passed this House early last year. They have been sitting over there in the Senate. If you have a gripe, go over there and tell them to pass those bills.

THE SPEAKER PRO TEMPORE:<sup>(5)</sup> The gentleman will observe regular order. The gentleman will be advised that such characterizations of the proceedings in the other body are inappropriate on this floor.

**§ 44.58 While it is not in order in debate to refer to actual proceedings or debate in the Senate, it is in order to state whether or not the Senate has acted on House-passed legislation; and in making an appropriate reference to the other body, the term "Senate" may be used and is not in itself a violation of the rule of comity.**

Although it is traditional in debate to refer to the Senate as "the other body," Jefferson's Manual does not totally proscribe use of the word "Senate" during debate if merely a reference to that body's existence, particularly if the reference is not critical in nature and does not mention specific actions taken by that body nor specific members thereof. A ruling to that effect was made on Oct. 4, 1984:<sup>(6)</sup>

5. Elliott H. Levitas (Ga.).

6. See 130 CONG. REC. 30046, 30047, 98th Cong. 2d Sess. In an isolated

MR. [JAMES C.] WRIGHT [Jr., of Texas]: . . . Today at the White House in a ceremony the President of the United States was asked why he is shutting down the Government. . . .

"This has been very typical," said the President, "of what has happened ever since we have been here. You can lay this right on the majority party of the House of Representatives."

The President went on to say, "Just once it would be great to have a budget on time."

Now, I think it is important that we recite the chronological facts in order that the honor of the House as an institution may be defended. . . .

Now, that is inaccurate in the extreme. He can have a second simple extension to sign if the Senate will act. The House already has done so, and it is pending in the Senate right now.

The House passed the first continuing resolution on the 25th of September. The other body has not acted upon it yet.

So, in light of that, the House on the 1st of October, Monday, the first day of the new fiscal year, sent a second continuing resolution to the Senate. It was a simple 2-day extension to give the Senate additional time to act upon the first one. This bill was passed and sent to the President on Monday, the 1st of October.

The President allowed the Government to go on and continue operating

---

instance, however, the Chair did sustain a point of order against the use of the word "Senate" in a context descriptive merely of the existence of that body (see 130 CONG. REC. 22270, 98th Cong. 2d Sess., Aug. 2, 1984).

without even signing that bill until 3 o'clock yesterday, 2 days after the lapse of time in which a legalistic interpretation would have required him to close the Government. Then finally he signed that bill and now it is expiring again. So the House on the 4th of October, today, has sent yet another continuing appropriation bill to the other body and we are still awaiting Senate action. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: A point of order, Mr. Speaker. . . .

Mr. Speaker, is it not against the rules of the House to be referring to the actions of the other body?

THE SPEAKER PRO TEMPORE:<sup>(7)</sup> The gentleman has not referred to actions of the other body. . . .

MR. WALKER: The other body was just referred to as the Senate. Is that not against the rules of the House?

THE SPEAKER PRO TEMPORE: According to the precedents, reference can be made to the fact of the legislative product of the other body, which the gentleman from Texas has done.

**§ 44.59 While a Member in debate may refer to the pendency of a House-passed bill in the Senate, it is a breach of order in debate to refer to a House bill as "languishing" in the Senate and it is the duty of the Chair to call to order an offending Member.**

The following proceedings occurred in the House on July 31, 1986,<sup>(8)</sup> during the period allocated for special-order speeches:

---

7. William R. Ratchford (Conn.).

8. 132 CONG. REC. 18253, 99th Cong. 2d Sess.

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, the trade deficit, which is closing American factories and throwing Americans out of work, took another upward bound last month. It is time for the Senate to act on the House-passed trade bill which has been languishing there for 10 weeks. . . .

If the Senate fails to take up H.R. 4800, it will do the Nation a grave injustice and the American people will expect more than a mere apology for its inaction.

MR. [ROBERT W.] WALKER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, is it not against the rules of the House for someone to refer to legislative action in the Senate and that "the House bill languishing in the Senate" is beyond the scope of the House rules?

THE SPEAKER:<sup>(9)</sup> . . . The Chair would respond to the inquiry by reminding Members that a Member may refer to where legislation is in the Senate; that is within the rules. Members cannot be critical of the Senate or name any Senator by name. . . .

MR. WRIGHT: Mr. Speaker, I ask unanimous consent to amend my statement to say that, "This important legislation has been languishing without action in the honorable Senate for the past 10 weeks."

THE SPEAKER: Is there objection to the request of the gentleman from Texas?

There was no objection. . . .

MR. WALKER: Mr. Speaker, even in the gentleman's amended version, the

gentleman is beyond the scope of the House rules. . . .

*Parliamentarian's Note:* Although the Speaker did not rule on the latter point, Mr. Walker's observation was correct, in that "languishing" implies suffering neglect or inaction.

### ***Advocating Senate Action on Nomination***

**§ 44.60 In response to a parliamentary inquiry, the Speaker Pro Tempore indicated that it is a breach of order under section 371 of Jefferson's Manual for a Member to refer in debate to confirmation proceedings in the Senate by advocating that that body take a certain action with regard to a Presidential nominee.**

The following proceedings occurred in the House on Feb. 7, 1984:<sup>(10)</sup>

MR. [JIM] MOODY [of Wisconsin]: Mr. Speaker, our colleagues in the Senate will soon consider President Reagan's nomination of Edward Meese as Attorney General. I urge our colleagues in the other body to take an extremely close look at the record of this man who would shape our country's policy on Justice-related issues. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry. . . .

10. 130 CONG. REC. 1978, 1979, 98th Cong. 2d Sess.

9. Thomas P. O'Neill, Jr. (Mass.).

Mr. Speaker, is it correct that we are not supposed to refer in any way to actions of the Senate on the floor of the House?

THE SPEAKER PRO TEMPORE:<sup>(11)</sup> The gentleman is correct.

*Parliamentarian's Note:* Under section 374 of Jefferson's Manual, the Chair may take the initiative to call a Member to order for attempting to influence the Senate in debate. A mere reference to the fact of confirmation proceedings in the other body, however, in the absence of characterization of those proceedings, would not be out of order.

***Referring to Remarks Made by Senator at Time He Was a Member of the House***

**§ 44.61 References in debate to a former Member of the House who is presently a member of the Senate are permissible only if they merely address prior House service and are not implicitly critical of the individual as a Senator.**

On May 8, 1984,<sup>(12)</sup> the following proceedings occurred in the House:

THE SPEAKER PRO TEMPORE:<sup>(13)</sup> Under a previous order of the House,

11. Mario Biaggi (N.Y.).

12. 130 CONG. REC. 11428, 11431, 98th Cong. 2d Sess.

13. Ike Skelton (Mo.).

the gentleman from Georgia (Mr. Gingrich) is recognized for 60 minutes.

MR. [NEWT] GINGRICH [of Georgia]: Mr. Speaker, I am going to pick up where the gentleman from Pennsylvania (Mr. Walker) left off in the document entitled, "What is the Matter With the Democratic Foreign Policy," by Mr. Frank Gregorsky. . . .

Somehow, some day, this country has got to learn to live with revolution in the Third World. It's endemic. It's relatively easy to suppress revolution in Grenada, so we congratulate ourselves. . . .

Savimbi was quoted in the Washington Post May 29, 1983: . . .

. . . These Westerners say we should not take aid from South Africa for our struggle. But they will never give us aid themselves. They seem to be asking us to commit suicide, to accept being crushed by the Cubans and the Russians in our own country. We do not want to be an African Hungary. To avoid it, we have to take help from wherever it is on offer.

It won't come from a Democratic House. It won't come from Democrats like Chris Dodd, who is more entranced than Jonas Savimbi by the thought of another Hungary.

THE SPEAKER PRO TEMPORE: The Chair is sure the gentleman is aware of the rule that he cannot make reference to sitting Members of the other body or to the activities or proceedings in that body.

MR. GINGRICH: In the body. All right. . . .

Let me ask the Chair for just a moment, to insure the Chair understands what I am now doing, I have a series of quotations from a gentleman who is

currently in the other body, but the quotations are from the floor of the House when he was in this body. I presume they are, therefore, legitimate.

THE SPEAKER PRO TEMPORE: If they are not references to or critical of him as a Senator.

MR. GINGRICH: All right.

Messrs. Dodd and Downey are two who've been saying the same thing since they got to Washington over nine years ago.

Chris Dodd on Cambodia, March 12, 1975: . . .

. . . The greatest gift our country can give to the Cambodian people is not guns but peace. And the best way to accomplish that goal is by ending military aid now.

Chris Dodd on Angola, December 19, 1975:

Mr. Speaker, I am urging my colleagues . . . to denounce equivocally the blatant intrusion on the part of the Ford Administration, the Soviet Union, and the South African and Cuban regimes in the domestic affairs of [Angola].

### ***Speculating on Senate Legislative Action***

**§ 44.62 It is not in order in debate to refer to legislative actions which might be taken by named members of the Senate, or by Senators designated by position, and the Chair calls Members to order on his own initiative for violating this rule of comity.**

On Oct. 11, 1984,<sup>(14)</sup> Speaker Pro Tempore Steny H. Hoyer, of Maryland, exercised his initiative in calling a Member to order for references to members of the Senate:

MR. [STEPHEN J.] SOLARZ [of New York]: If the gentleman will continue to yield, it is too late in effect, for another rule. It is too late for another bill, too late for another conference, too late for another amendment. It is this or nothing.

Mr. Speaker, if this is adopted, we have reason to believe that it can pass in the Senate. Senator Heinz, who has been one of the key actors in this whole drama in the other body, is committed to moving it forward.

We understand the very distinguished majority leader is looking sympathetically on this approach in the other body.

There is strong support for it, but if this goes down, it is all over.

I know that we are not supposed to mention other names in other bodies, but several Members have done it here today. But I can tell you that the chairman of the Banking Committee, when you have taken away his authority and put something in here, he is not going to accept that. Neither is the majority leader, and neither is—

THE SPEAKER PRO TEMPORE: The gentleman should not refer, as the Chair observed earlier, to possible actions of Members of the other body.

### **§ 44.63 The Chair admonished Members that statements in**

14. 130 CONG. REC. 32151, 32153, 98th Cong. 2d Sess.

**debate speculating as to the intent of the Senate or of individual Senators as to action in that body on legislation pending in the House was a violation of the rule of comity.**

During consideration of the Local Government Antitrust Act of 1984 (H.R. 6027) in the House on Oct. 11, 1984,<sup>(15)</sup> the Speaker Pro Tempore called Members to order for references to specific Senators:

MR. [MARTIN O.] SABO [of Minnesota]: . . . Are certain Senators serious when they say they would leave all the municipalities in the country subject to antitrust suits unless they can have their way in overriding this rider? I cannot make that judgment.

THE SPEAKER PRO TEMPORE:<sup>(16)</sup> The Chair would observe that the discussion about the other body, of course, and what they may or may not do is speculation and that is not consistent with the rules and would urge Members to try to refrain from such expressions. . . .

MR. PHILIP M. CRANE [of Illinois]: I respect the statement of the Speaker, but I have before me a letter from the National Association of Counties, signed by Matthew Coffey, who is executive director, indicating that from the standpoint of county government this is the most important issue to come through the 98th Congress and that

they reluctantly went along with this FTC provision added to it because, in their own words, the Senate has made it clear that they will not accept protective legislation unless this FTC provision is included.

Senate is a broad term. How can anyone read the mind of the Senate? My interest is that if there is anybody who is conversant, because I certainly know the mechanisms whereby that could be an obstructionist body to passage if this legislation were made, but can anyone provide any insight as to specifics with regard to Senate objections? . . .

MR. [JOHN F.] SEIBERLING [of Ohio]: . . . The problem was not a Senate conferee, but another Member who would exercise his full powers as a Member of that body.

MR. [HENRY J.] HYDE [of Illinois]: Mr. Speaker, would the gentleman yield further?

MR. [CHARLES] WILSON [of Texas]: I yield.

MR. HYDE: I think the gentleman is talking about a different Member of the other body. This illustrates the terrible confusion on this issue.

THE SPEAKER PRO TEMPORE: The gentlemen are out of order and should delete specific references to the other body's Members.

#### **§ 44.64 The Chair will call to order Members who make improper references in debate to proceedings in the Senate.**

On Feb. 27, 1985,<sup>(17)</sup> the Speaker admonished a Member not to

15. 130 CONG. REC. 32221-23, 98th Cong. 2d Sess.

16. Steny H. Hoyer (Md.).

17. 131 CONG. REC. 3850, 99th Cong. 1st Sess.

refer to proceedings in the other body:

(Mr. Glickman asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

MR. [DAN] GLICKMAN [of Kansas]: Mr. Speaker, reports are that the leadership of the other body, fearing the votes might be there to pass farm credit legislation similar to that which we are taking up today, has been delaying votes.

THE SPEAKER:<sup>(18)</sup> Under the rules the gentleman is not to refer to proceedings in the other body.

### ***Addressing Remarks to Members of Senate***

#### **§ 44.65 It is improper in debate to call on Senators to act or to characterize action or inaction of the Senate.**

On Apr. 29, 1986,<sup>(19)</sup> the Speaker Pro Tempore exercised his initiative in calling to order a Member for references to the Senate. The proceedings were as follows:

(Mr. Schumer asked and was given permission to address the House for 1 minute and to revise and extend his remarks.).

MR. [CHARLES E.] SCHUMER [of New York]: Mr. Speaker, it was with some confusion that I read in today's New York Times that a distinguished Mem-

ber of the other body said that Congress had become "so enmeshed in political maneuvering" that it cannot produce a Federal budget. A little later in the article he said he wanted to wait until he could get a majority of his party to agree on a budget before he would bring one to the floor. And the confusion about this, Mr. Speaker, is very simple. There are 24 Republicans generally on the right side of the other body who are saying that they will not go for a budget unless XYZ is met.

That is no way to produce a budget, Mr. Speaker. If on our side of the aisle we decided that we had to bring every Member along and every Member's specific interest had to be weighed without compromise, we would not have a budget either. . . .

I say to my colleagues in the other body, it is about time you tried to reach a consensus, as some of your Members are starving to do, and move on a budget in the Senate.

THE SPEAKER PRO TEMPORE:<sup>(20)</sup> The Chair wishes to point out that the gentleman should not refer to proceedings from the other body.

### **§ 45. —Reference to Gallery Occupants**

By standing rule of the House, no Member may introduce or refer to any occupant of the galleries of the House.<sup>(1)</sup> The rule is strictly

20. Richard B. Ray (Ga.).

1. Rule XIV clause 8, *House Rules and Manual* §764 (1995). The rule was not adopted until 1933; however,

18. Thomas P. O'Neill, Jr. (Mass.).

19. 132 CONG. REC. 8855, 8856, 99th Cong. 1st Sess.